$2.50 Street Value

Here's Your

'FIJA' JURY POWER INFORMATION KIT!

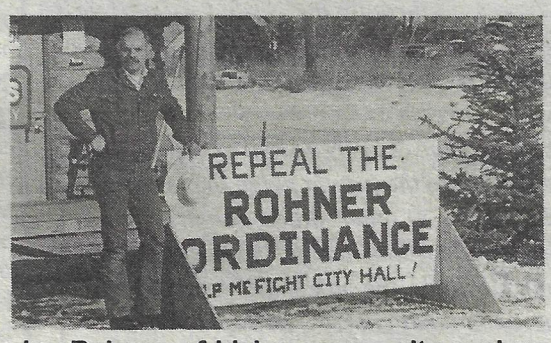
Vital Information for Those Serving on -- or Facing -- a Jury

This kit contains:

- First of all, what is FIJA? 2
- What is Maxi-FIJA? 2
- Rescuing "Liberty and Justice for All" with Fully Informed Juries. . . *Don Doig* 3
- Expert Opinion on Jury Rights . . . *Thomas Jefferson, Noah Webster, Alexander Hamilton, others* 4
- U.S. versus Span -- a Tragic and Dramatic Case in Point . . . *Judy Huston* 5
- What the Papers (and Newsletters, Magazines, and Law Reviews) say about FIJA . . . . . 6 - 8, 11
- If You are Called for Jury Service 9
- If You are Facing Charges 10
- Answering the Hard Questions about Fully Informed Juries . . . *Larry Dodge* 12
- Jury Rights Day -- by Governors' Proclamations . . . 13
- Constitutional Authority . . . 13
- Knowledge is Power: What Else to Read 13
- From Interest to Activism: Who to Contact 14
- Who Needs You? We Do! 16

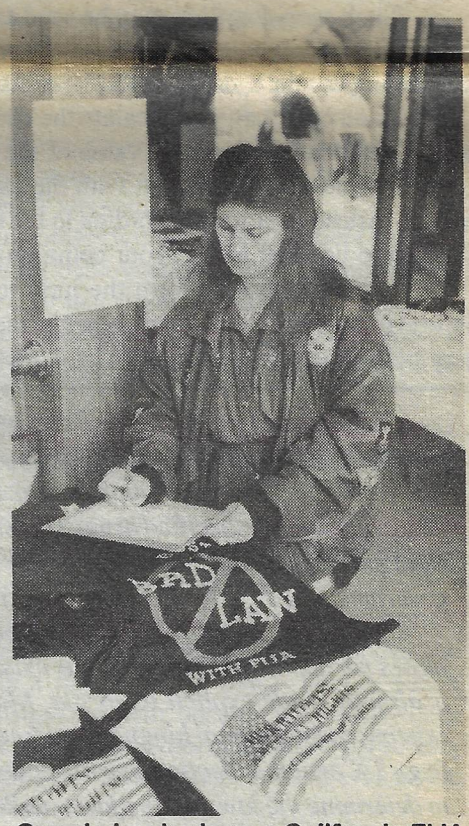
Texas FIJA acitvists hand out FIJA literature at a trial in San Marcos. L-R: Jeffrey Zeal (defendant), Mary Lou Graham, Bruce Baechler, Mike Kearns, Gary D. Johnson.

Conferees at the second national Fully Informed Jury Association conference (FIJAcon II) view videotapes of FIJA psa's.



Joe Rohner, of Idaho, says a city zoning ordinance was passed just to ban his windshield repair business. He attempted a "FIJA defense" (see page 10 for explanation).

S.C. FIJA coordinator Sasha Kennison tells FIJAcon II, "Reach the youth."



Connie Laub signs a California FIJA ballot-issue petition, the clipboard resting atop a pile of FIJA t-shirts she designed for her store in Carmel.

FREE OUTREACH ISSUE

the FIJActivist

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Address Correction Requested

What is "FIJA"?

-- multiple choice --

(a) FIJA = THE FULLY INFORMED JURY AMENDMENT?

Answer: Yes, and here is suggested wording --

Whenever government is one of the parties in a trial by jury, the court shall inform the jurors that each of them has an inherent right to vote on the verdict, in the direction of mercy, according to his own conscience and sense of justice. Exercise of this right may include jury consideration of the defendant's motives and circumstances, degree of harm done, and evaluation of the law itself. Failure to so inform the jury is grounds for mistrial and another trial by jury.

(b) FIJA = THE FULLY INFORMED JURY ACT?

Answer: Yes, and here is suggested wording --

Whenever government is one of the parties in a trial by jury, the court shall inform the jurors that each of them has an inherent right to vote on the verdict, in the direction of mercy, according to his own conscience and sense of justice.

The court shall therefore allow any party to the trial to present to the jury, for its consideration, evidence and testimony relating to the motives and circumstances of the defendant and the extent to which he actually harmed another person. Any party to the trial may also present to the jury arguments regarding the spirit, intent, merits and constitutionality of the law itself and its applicability to the case at hand.

Trial jurors shall acknowledge by oath that they understand this right, and no potential juror may be disqualified from serving on a jury for expressing a willingness to consider such testimony or evidence, to evaluate the law or its application, or to vote on the verdict according to conscience.

(2) Before the jury hears a case, and again before jury deliberation begins, the court shall inform the jurors of their rights in these words:

"As jurors, your first responsibility is to decide whether the defendant has broken the law. If you determine that the evidence will support a finding of guilt or liability as charged, you may so find.

"However, if so finding would violate your conscience or sense of justice, you may exercise your right to consider, in addition to other evidence and testimony presented, (a) the motives and the circumstances of the defendant; (b) the extent to which the defendant's actions actually damaged the rights of another person; and (c) the merits of the law itself, and the wisdom of applying it to the defendant in the case before you.

"Such considerations may be used as a basis for finding a criminal defendant not guilty, or guilty of a lesser offense which is wholly contained in the original charge. In a civil case, such considerations may be used as a basis for finding the defendant not liable, or liable for less than the amount of damages claimed by the plaintiff.

"In no case may you escalate the charges against a criminal defendant, or increase the award to be paid by a civil defendant beyond the value of the damages claimed in the original complaint made by the plaintiff.

"The court cautions that with the exercise of your right to vote according to your own sense of right and wrong, instead of strictly according to the law, comes full personal, moral accountability for the verdict you bring in, both to yourself and to your community."

(3) Failure to so inform the jury, to hear the jurors' acknowledgment by oath that they understand the information given them, or any other infraction of the above rules of procedure is grounds for mistrial and another jury trial.

***NOTE:** The object of the Fully Informed Jury Amendment or Act (i.e., "FIJA") is to re-establish the trial jury not only as the decider of justice in the case before it, but as a commentator on the law itself, so that lawmakers enjoy ongoing access to the will of the people, expressed through the verdicts of citizen juries. The action specified in most versions of FIJA is a requirement that the court remind all jurors of their right and responsibility to judge both law and fact when deliberating a verdict in every action to which the government is a party (currently, all criminal and many civil cases).*

In some states, this might be accomplished simply by requiring that the court read and explain to the jurors particular passages in their existing constitutions, where the right of the jury to judge the law itself is already made explicit (Georgia, Maryland, Oregon, and Indiana). In 20 other states, requiring that existing constitutional language on freedom of speech be generalized and explained to jurors might suffice (e.g., TX Article I, Section 8, which concludes "...in all indictments for libels, the jury shall have the right to determine the law and the facts, under the direction of the court, as in other cases".) In the rest of these United States, completely new constitutional and/or statutory language will be needed.

(c) FIJA = THE FULLY INFORMED JURY ASSOCIATION?

Answer: Yes, and here's what it is and does --

FIJA is also a national non-profit educational organization, with tax-exempt 501(c)3 status. FIJA publishes and disseminates informational materials of various kinds -- books, tapes, leaflets, information kits, taped telephone messages, bumper stickers, cups, PSAs, banners, buttons, you name it (see back page). National officers also make media appearances and periodically testify at legislative hearings.

Many state affiliate organizations have been formed, and it is often they who carry the information to the public -- by leafleting, operating fair booths, appearing on local talk shows, networking with other groups -- or by attempting to get laws passed which would require that their state courts remind jurors that they are judges both of law and of fact when deciding a verdict.

Joining FIJA at the national level is of tremendous importance to the educational effort we're making, even if the information we offer remains unused until that critical moment when people are called for jury service, and don't know what to expect, or why it's so important that they serve.

More seriously, people facing charges need, want, and deserve to know what to expect if they ask for trial by jury.

Does it matter to you? If yes, please take us up on our invitation to join FIJA -- today! When it's your turn to need "justice for all", ***you'll be fully informed.***

"Maxi-FIJA"

We regularly get asked for more powerful bills than we've so far been proposing to state legislatures. If an idea seems to have merit, we try to pursue it to the point of either abandoning it or recommending reform. The surviving cluster of additional and vital jury-system reforms that we support has been dubbed "Maxi-FIJA":

"Whenever a person is engaged in a legal action to which the government is a party, and where failure to prevail in that action could cost the person more than 24 hours of incarceration or fines, liability, or confiscated property equivalent in value to one quarter ounce of gold or more, the person's right to trial by jury is invoked. In order to meet its responsibility to provide a full and fair hearing of the case, the jury;

(1) shall be informed of its inherent right to bring in a general verdict, thus to judge both law and fact and to appeal to conscience in deciding whether a defendant is or is not guilty or liable, or in determining a sentence or an award;

(2) may request, or in any event may hear and consider arguments concerning the motives of both plaintiff and defendant, as well as arguments concerning the morality, constitutionality, spirit, intent, or applicability of the law in the case before it;

(3) may at any time during the trial direct questions of law to the bench and may, through the bench, direct questions of fact and opinion to witnesses during their testimony;

(4) shall, with guidance from the court, decide on any restrictions to place upon the kinds of language or testimony it may hear, the sorts of evidence it may witness, and types of arguments it may consider, in accordance with all the limitations which are placed upon our government by the Constitution, and due respect for the inalienable rights of individuals which that document expresses or implies;

(5) shall be advised of the range of sentences or other sanctions which may apply should the defendant be found guilty of any criminal charges brought, or any charges wholly contained within them or, where it qualifies as a separate charge, for attempting any crime of which he or she is accused, including advice on typical time served and probable parole opportunities; likewise shall any limits on liability on the part of each and every party to a civil action be revealed and explained to the jury;

(6) shall be counseled that reaching a verdict either of guilty or not guilty is possible only if all jurors agree, but that they are not required to agree, and may end their deliberations without agreement; nor are they required to reveal how each or any juror voted, or why.

Failure to observe one or more of the above provisions for trial by a fully informed jury entitles the person to a new trial by jury, to be conducted according to these provisions. Active disregard, disparagement, denial, or rejection of any of these provisions shall be construed as jury tampering, and be punishable as such."

Related Reforms

—recently proposed for inclusion in Maxi-FIJA—

(1) Providing that the prosecution shall have no peremptory challenges, and that challenges for cause are confined to establishing a direct conflict of interest between a juror and the defendant;

(2) Ensuring improved protection of trial juror privacy, reduction of trial costs, and that the ideal of a "jury of peers" is more closely approached—by elimination of the *voir dire* (a more comprehensive proposal than (1), but similar in intent);

(3) Disallowing plea bargaining of any kind prior to the trial, but where juries decide sentences, providing for "sentence bargaining" between a convict, his jury, and any victims or their families;

(4) In states where juries decide sentences, advising jurors of a defendant's criminal history after their determination of guilt, but before they decide upon a sentence;

(5) Protecting the sentence decided by a jury by providing that any pardon or parole must be unanimously approved by another jury;

(6) Providing that any and all appeals also be heard by a jury;

(7) Requiring that grand juries be advised of their right to judge both law and fact when issuing reports, presentments, and/or indictments.

FIJA to the Rescue

of "...liberty and justice for all"

By DON DOIG

America's Founders were worried that the government they created might someday grow too powerful, and begin to pass laws which would violate the rights of the very people the government was intended to protect: ordinary, peaceful, productive Americans. But they had an "ace in the hole", a trump they believed would suffice to hold this new, experimental government in check. That was the right to a trial by a jury of one's peers.

You might wonder how a jury can restrain a government. The key is the fact that juries can protect people from arbitrary and unjust prosecutions—and from bad laws. But, you counter, the legislature creates laws. Aren't we supposed to obey them, and then ask our legislatures for any changes that need to be made?

Traditionally, American citizens have had to use more substantial and direct means by which to protect against governments grown too ambitious, and to resist oppressive laws, than to merely ask lawmakers for reforms. They have been and still are outgunned by wealthy, powerful special interests, whose fortunes too often depend upon forcing people to observe laws that are not in the public interest.

From the outset, America's Founders realized that the temptations of power and corruption would someday be too much for any of the three branches of government to resist, let alone check and balance the other branches. They foresaw the folly of trusting the government to protect individual rights, and realized that ultimately, citizens at the local level, acting according to dictates of their individual consciences, would need to have the final authority, the final check and balance, expressed as veto power over bad laws.

So they provided for just such a veto, a centuries-old legal doctrine carried over from England to the colonies, via the common law, which holds that jurors may judge whether a law is a good law, a law that does not violate the rights of free men and women. By this doctrine, if according to the dictates of their consciences, jurors do not think a law is just, or if they think the law has been misapplied, they may decide not to convict an otherwise "guilty" defendant. Even a single juror can thus prevent a conviction -- by voting "not guilty".

English common law also provides that if the jury as a whole decides to acquit a given defendant, that decision is final. A verdict of "not guilty" cannot be overturned, nor can the judge harass the jurors for voting for acquittal. Jurors can never be punished for voting their consciences, even though they may have taken an oath to follow the law as stated by the judge!

These principles date back to the time of the Magna Charta. In 1670, William Penn was arrested for preaching a Quaker sermon, by so doing breaking the law of England, which made the Church of England the only legal church. The jurors in his trial, led by Edward Bushell, refused to convict him despite being detained for days and held without food, water, tobacco or toilet facilities The most adamant four of them were then put in prison for nine weeks.

When it eventually released the four by court order, the highest court of England both acknowledged and established that trial jurors could not be punished for their verdicts. Our freedoms of religion, peaceable assembly and speech thus all trace to our right to a trial by a jury of peers, a jury unintimidated by the government.

The sedition trial of John Peter Zenger, in the American colonies, was another landmark case. Zenger was arrested for publishing materials critical of the Royal Governor of New York colony and his cronies, accusing them of corruption. While the charges were true, the jury was told that under the law, truth was no defense.

Zenger's attorney, Andrew Hamilton, argued to the jurors that they were judges of the merits of the law, and should not go against good conscience by convict ingZenger of violating such a bad law. The jurors agreed. Zenger was acquitted in about fifteen minutes, and his case helped establish the right to freedom of the press.

The Founding Fathers were clear about where they stood on the issue of the rights of jurors:

"The right of the jury to decide questions of law was widely recognized in the colonies. In 1771, John Adams stated unequivocally that a juror should ignore a judge's instruction on the law if it violates fundamental principles:

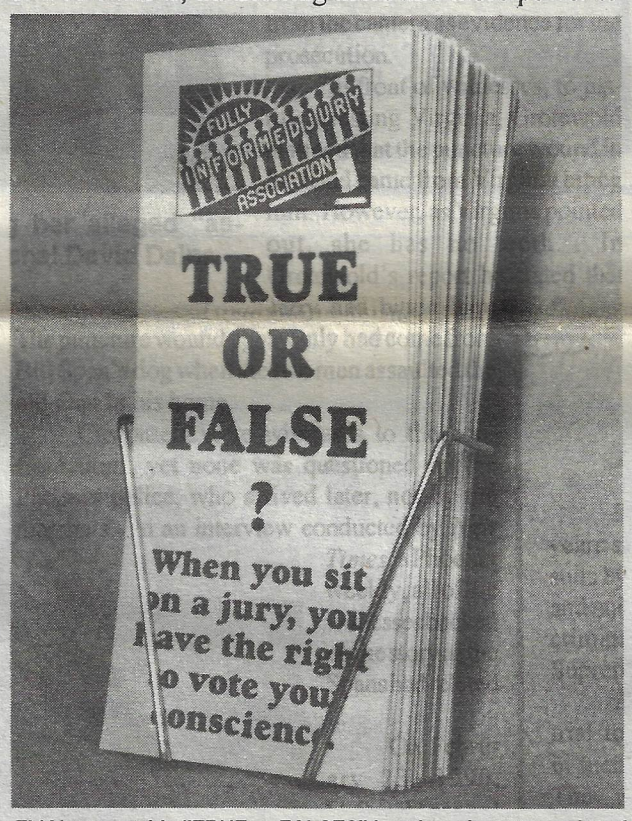
'It is not only...[the trial juror's] right, but his duty, in that case, to find the verdict according to his own best understanding, judgment, and conscience, though in direct opposition to the direction of the court.'

There is much evidence of the general acceptance of this principle in the period immediately after the Constitution was adopted."

("The Changing Role of the Jury in the 19th Century", Yale Law Review 74, 174 (1964.)

And Thomas Jefferson said, in a letter to Thomas Paine in 1789: *"I consider trial by jury as the only anchor yet devised by man, by which a government can be held to the principles of its constitution."*

However, during the nineteenth century, judges began chipping away at this vital and fundamental right of free citizens, transferring more and more power to



FIJA's venerable "TRUE or FALSE?" brochure has seen a lot of action. Edited for improvements on a regular basis, it remains effective and inexpensive. Display stands now available at $4.00 (1 free upon request with orders of 1000 or more brochures. See page 16).

themselves, often contending that jury review of law was "no longer necessary"—now that free, democratic elections had replaced monarchy.

Then, in 1895, the Supreme Court said it should be up to the judge to decide whether the jury would be told of its right to judge law as well as fact, unless a state's constitution or statutes provide otherwise. The Court acknowledged that jurors have the power to judge the law, but jurors should already know that, and so need not be told. Today, jurors are generally told that *they must* accept the law as the judge explains it, and *may not* decide to acquit a person because their consciences are bothered by what seems to them to be an unjust law.

Judges falsely tell jurors that their only role is to decide if the "facts" are sufficient to convict the defendant, and that if so, they "must" convict. Defense attorneys are not allowed to encourage jurors to vote to acquit if they believe the law is unjust or unconstitutional, and defendants are usually stopped short and rebuked if they so much as mention their motives to the jury.

In plain words, in what comes down to a power struggle between the people and the judicial system in these United States, we, the people, have been losing.

In fact, jurors still, to this day, retain the right to veto, or "nullify" bad laws. They are just not told this by the courts. And judges and prosecutors exclude people from serving on juries who admit that they believe they may judge the law, or who have doubts about the justice of the law. This destroys the protections jurors were supposed to be able to muster on behalf of fellow citizens against unjust prosecutions: How can our right to a trial by an impartial jury be fulfilled if those who may have qualms about the law are routinely excluded from jury service?

What can be done? The Fully Informed Jury Association (FIJA) was formed in order to remind the American people of their rights and responsibilities as trial jurors, and promote reforms which would reinforce our right to a common-law jury. Strategies include encouraging amendments to state constitutions, and/or passage of state laws which will require trial judges to inform jurors that if they think a law is unjust or unconstitutional—or just confusing or misapplied—they need not convict even an otherwise "guilty" defendant.

People from all walks of life and points clear across the political spectrum are now organizing to bring back to life the traditional institution of trial by jury, fully informed and fully empowered. Legislative sponsors have been identified in dozens of states, grassroots FIJA organizations have been formed in most states and local activists have handed out hundreds of thousands of pieces of FIJA literature in front of hundreds of courthouses, so that everyone (jurors, judges, jailers, janitors—anyone who will take a brochure) can learn more about the rightful power of jurors.

FIJA activism also includes advertising, participation in talk shows, lobbying, making and broadcasting videotapes (ranging from seconds-long public service announcements to half-hour programs), writing letters to editors, questioning and endorsing candidates, and publishing newsletters. Media coverage has been substantial and generally fair, as the clippings reproduced herein demonstrate.

Judges and others within the government's courts have for too long been waging a war, a campaign of disinformation, so that jurors will have no idea what their rights are. Trial by jury is thus reduced to a mere formality, mere window dressing for what is really trial by government.

We think it's past time that we, the people begin to demand that our rights as jurors be respected. These are rights which accrue when people accept their civic responsibility to judge another human being. They derive directly from the defendant's right to trial by jury, and are therefore "unalienable".

It's not just jurors whose rights are being denied. Every time jurors' rights are ignored or overridden, the defendant gets a less-than-fair trial. This is now a pervasive, constant problem, because judges have been so busy systematically misinforming jurors for so long that many attorneys—and judges—are not even aware that these rights exist.

FIJA represents a real opportunity for the citizens of this country to regain control of the government and once again to function as the ultimate safeguard of our individual rights. Let me close by urging you to become a member of Fully Informed Jury Association, and work with us to re-establish "freedom and justice for all".

And here's a parting shot:

"If a juror accepts as the law that which the judge states then that juror has accepted the exercise of absolute authority of a government employee and has surrendered a power and right that once was the citizen's safeguard of liberty. For the saddest epitaph which can be carved in memory of a vanished liberty is that it was lost because its possessors failed to stretch forth a saving hand while yet there was time."

2 Elliot's Debates, 94, Bancroft, History of the Constitution, 267, 1788.

Don Doig was born in Bozeman, Montana. A 1972 graduate of Montana State University (B.S. in Microbioloty and B.S. in Premedicine), he worked toward a Ph.D. in Microbiology, specializing in research on leukemia. But improvement of our nation's political climate soon became his most urgent priority, and he has sustained himself as a writer and researcher for think tanks, and as a professional chef, while pursuing this goal. A co-founder of FIJA, he now serves as its national coordinator, and as vice-chair of its board of directors.

Expert Opinions

Alexander Hamilton,

(1804): Jurors should acquit even against the judge's instruction "...if exercising their judgment with discretion and honesty they have a clear conviction that the charge of the court is wrong." Quoted in Joseph Sax, Yale Law Review 57 (June 1968): 481-494.

John Jay,

first Chief Justice, U.S. Supreme Court, Georgia v. Brailsford, 1794: "The jury has a right to judge both the law as well as the fact in controversy."

Within six years after the Constitution was established, the right of the jury to determine the law as well as the fact in controversy was unhesitatingly and unqualifiedly affirmed by our Supreme Court, in the first of the very few trials by jury ever had at its bar, under the original jurisdiction conferred upon it by the Constitution.

Thomas Jefferson,

in a letter to Thomas Paine, 1789: "I consider trial by jury as the only anchor ever yet imagined by man, by which a government can be held to the principles of its constitution."

The Jury According to Webster--1828!

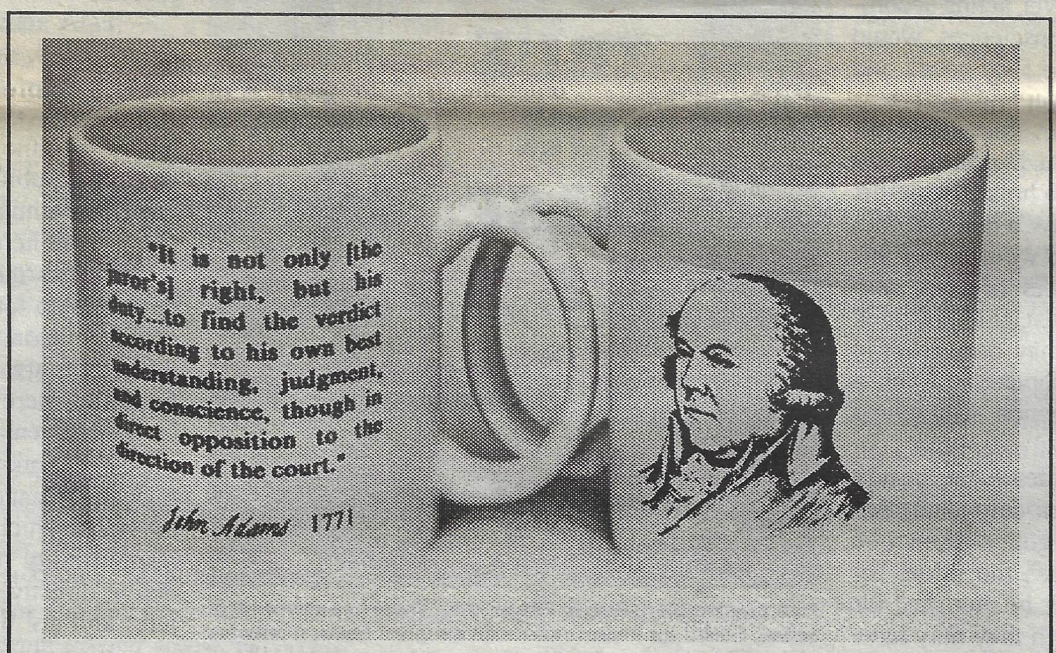
Thanks to Wyoming FIJA activist Dave Dawson, we have a copy of Noah Webster's definition of the word "jury", from his original Dictionary of the English Language, 1828. The importance to FIJA is obvious: this is the definition of "jury" which was in use at the time the Constitution was written--which is to say that ***jury veto power is guaranteed*** *every time trial by jury is guaranteed in the Constitution and Bill of Rights (three times)!*

JU'RY, *n.* [Fr. *juré*, sworn, L. *juro*, to swear.]

A number of freeholders, selected in the manner prescribed by law, empanneled and sworn to inquire into and try any matter of fact, and to declare the truth on the evidence given them in the case. *Grand juries* consist usually of twenty four freeholders at least, and are summoned to try matters alledged in indictments. *Petty juries*, consisting usually of twelve men, attend courts to try matters of fact in civil causes, and to decide both the law and the fact in criminal prosecutions. The decision of a petty jury is called a *verdict.*

Lysander Spooner,

An Essay on the Trial by Jury, 1852, p. 11. "For more than six hundred years—that is, since Magna Carta, in 1215, there has been no clearer principle of English or American constitutional law, than that, in criminal cases, it is not only the right and duty of juries to judge what are the facts, what is the law, and what was the moral intent of the accused; but that it is also their right, and their primary and paramount duty, to judge of the justice of the law, and to hold all laws invalid, that are, in their opinion, unjust or oppressive, and all persons guiltless in violating, or resisting the execution of, such laws."


"It is not only [the juror's] right, but his duty...to find the verdict according to his own best understanding, judgment, and conscience, though in direct opposition to the direction of the court."
John Adams 1771

WAKE UP WITH A FRIEND! Your other friends will be impressed with the company you keep when they see this coffee mug bearing a likeness of John Adams on one side and a quotation from him on the other. See page 16 for ordering instructions.

Article XXIII, Constitution of Maryland

"In the trial of all criminal cases, the Jury shall be the Judges of Law, as well as of fact, except that the Court may pass upon the sufficiency of the evidence to sustain a conviction."

United States v. Moylan,

4th Circuit Court of Appeals, 1969, 417 F2d at 1006. "If the jury feels the law is unjust, we recognize the undisputed power of the jury to acquit, even if its verdict is contrary to the law as given by a judge, and contrary to the evidence...If the jury feels that the law under which the defendant is accused is unjust, or that exigent circumstances justified the actions of the accused, or for any reason which appeals to their logic or passion, the jury has the power to acquit, and the courts must abide by that decision."

U.S. v. Dougherty,

D.C. Circuit Court of Appeals, 1972, 473 F2d at 1130 and 1132. The jury has an "unreviewable and irreversible power...to acquit in disregard of the instructions on the law given by the trial judge...The pages of history shine on instances of the jury's exercise of its prerogative to disregard uncontradicted evidence and instructions of the judge; for example, acquittals under the fugitive slave law. (Nevertheless, the majority opinion held that jurors need not be told this. Dissenting Chief Judge Bazelon thought that they ought to be so told.)

Article 1, § 19, Indiana Constitution

"In all criminal cases whatsoever, the jury shall have the right to determine the law and the facts." Upheld, Holliday v. State, 257 N.E. 579 (1970).

From the dissent by Gray and Shiras,

Supreme Court, Sparf and Hansen v. U.S., 156 U.S. 51, 172 (1894). "It is universally conceded that a verdict of acquittal, although rendered against the instructions of the judge, is final, and cannot be set aside; and consequently that the jury have the legal power to decide for themselves the law involved in the general issue of guilty or not guilty."

Oliver Wendell Holmes,

U.S. Supreme Court Justice, Horning v. District of Columbia, 138 (1920). "The jury has the power to bring a verdict in the teeth of both the law and facts."

Alan Scheflin and Jon Van Dyke,

"Jury Nullification: The Contours of a Controversy," Law and Contemporary Problems 43, No. 4, 71 (1980) "When a jury acquits a defendant even though he or she clearly appears to be guilty, the acquittal conveys significant information about community attitudes and provides a guideline for future prosecutorial discretion in the enforcement of the laws. Because of the high acquittal rate in prohibition cases during the 1920s and early 1930s, prohibition laws could not be enforced. The repeal of these laws is traceable to the refusal of juries to convict those accused of alcohol traffic."

Steven E. Barkan,

"Jury Nullification in Political Trials," Social Problems, 31, No. 1, 38, October, 1983. "Jury acquittals in the colonial, abolitionist, and post-bellum eras of the United States helped advance insurgent aims and hamper government efforts at social control. Widespread jury acquittals or hung juries during the Vietnam War might have had the same effect. But the refusal of judges in trials of antiwar protesters to inform juries of their power to disregard the law helped ensure convictions, which in turn frustrated antiwar goals and protected the government from the many repercussions that acquittals or hung juries would have brought."

U.S. v. Span: A Sad Case in Point

By J. Huston, Staffwriter
The Correspondent, P.O. Box 9283, Missoula, MT 59807. Source: *New Times*, Phoenix, AZ, May 16-22, 1990.

The day began normally enough for the Span family of Phoenix, Arizona, but April 7, 1988, soon became a living nightmare. Two U.S. Marshals brutally terrorized a 74-year-old man, Bill Span, his 72-year-old wife Virginia, and their children Jerry and Darlene.

That was the day that Jerry and Darlene were charged with resisting arrest and attacking federal officers, and the day their mother had to be rushed to the hospital from jail where she nearly died. Assaults by the officers on Jerry, Darlene, and Virginia were photographed, witnessed and attested to by several private citizens—yet the jury delivered guilty verdicts against Jerry and Darlene. Why?

Had the jurors known that they had the right to judge the law as well as the defendants according to that law, two innocent victims of law enforcement brutality would not be facing a prison sentence today. Also, five jurors would not be consumed with guilt, and lawsuits totaling four million dollars would not be pending against Jerry and Darlene. If the Fully Informed Jury Amendment had been in force in Arizona, justice would have been served and those truly guilty would have been punished.

U.S. Marshals Garry Grotewold and David Dains were trying to track down a 69-year-old man by the name of Mickey Michael. Bill and Virginia have a son by that name, but he is only 39 years old. A phone number had led the marshals to the Span home. Marshal Grotewold testified at the trial that Bill Span answered the men's questions, allowed them to search his home and gave directions to the family's place of business, where they might find Mickey. Mr. Span's version was quite different.

As related by Bill's daughter Alice, she found her father on the kitchen floor, sobbing and bruised with a knot on his head and a swollen eye, the house torn apart. Mr. Span said he had insisted on seeing a search warrant. At that time the hefty Grotewold, approximately 220 pounds, pinned the frail old man against the wall while his partner Dains searched the home. Bill Span died two months after the incident.

Later, at the family's business, Grotewold showed a photograph of Michael to Darlene. She acknowledged that she knew a Mickey Michael, her brother, but that he was not the man in the picture. About the same time Jerry Span appeared. He did not know the man in the photo either and offered to show the picture around and let them know if anyone knew him.

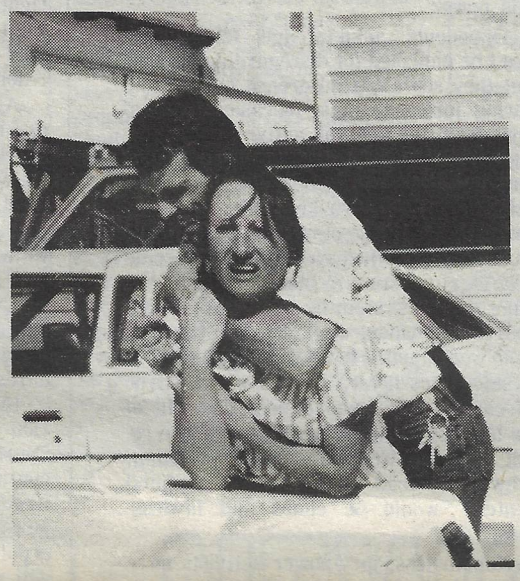
Acting as though he did not believe them, Marshal Grotewold allegedly threatened Darlene. Jerry invited them to leave and both turned their backs on the marshals to take care of their customers. At that time, Jerry claims Grotewold hit him on the back of the head, kicked him in the back and knocked him to the ground. Meanwhile, Dains grabbed Darlene by her hair and slammed her face into the fence where both fell to the ground.

Marshal Grotewold claims that he was struck by Jerry between 30 and 40 times, and that Span had attempted to take possession of his pistol 5 or 10 times. Considering that Grotewold weighs about 90 pounds more than Jerry, this scenario is difficult to imagine. Even less credibly, Grotewold claimed he was fearful for his life.

One customer, who later became a defense witness, stated that Jerry and Darlene "...had their backs turned to the marshals when they blindsided them. Darlene and Jerry never knew what hit them."

Due to an ongoing eminent domain dispute between the Spans and the city, Jerry and Darlene's brother Pete Span was taking roll-film photos of the business when the altercations began. Their mother Virgina arrived later with a Polaroid. Pete declared that Marshal Dains grabbed a roll of film from him and ground it into the dirt with the heel of his boot, crushing the canister. When the marshal went after his camera, Pete, a marathon runner, fled. But film that could have clarified the early part of the assault had already been destroyed.

According to witnesses, Dains and Grotewold, in their attempt to wrest the Polaroid from Virginia, grabbed her neck and twisted her arm behind her back, then threw her to the ground. One witness stated later, "I'd have tried to kill them if it had been my mother. All she was doing...was standing, watching, and occasionally taking a picture."



Darlene Span during her alleged "assault" upon U.S. Marshal David Dains.

Dains charged that Virginia Span had struck him over the head with her camera, which he said he was trying to retrieve for evidence to validate the assault charges. However, Dains never listed scalp lacerations as an injury received during the altercation, and hair and blood samples were never taken from the camera as evidence for the prosecution.

In front of witnesses, to justify arresting Virginia, Grotewold claimed that the puncture wound in his hand came from Virginia biting him. However, as Virginia pointed out, she has no teeth. In Grotewold's report he stated that Jerry had bitten him. The puncture wound apparently had come from Bill Span's dog when the two men assaulted the old man in his home.

Customers were witnesses to the confrontations, yet none was questioned by the Phoenix police, who arrived later, nor by the marshals. In an interview conducted by *New Times*, a Phoenix weekly, all of the witnesses backed up the story as the Spans had related it.

Jerry and Darlene hope their case will be heard by the U.S. Supreme Court. Here, they speak at FIJA's first national conference.

With four others, juror Sally Osborne asked for a new trial -- because they felt they had been misled by the jury instructions. Request denied.

On February 23, 1990, U.S. Marshal Tomas Lopez wrote to the prosecutor on the Span case acknowledging that both Dains and Grotewold both had reputations for provoking assaults. The judge, however, would not permit the letter to be entered as evidence on behalf of the defendants. Instead, Lopez reportedly came under fire for writing the letter..

Judge Broomfield instructed the jury that "Federal officers engaged in good faith and colorable performance of their duties may not be forcibly resisted, even if the resister turns out to be correct, that the resisted actions should not, in fact, have been taken. The statute requires him to submit peaceably and seek legal redress thereafter."

Given this instruction, the jury returned verdicts of guilty against both Darlene and Jerry, even though they felt that the marshals were the ones who initiated the assault. Several later stated that they thought they had no alternative but to convict. Five of them ended up signing a statement which expressed their belief that "such a law is completely unfair and against everything that the United States stands for."

Had even these five realized the power they held as jurors to judge both law and fact, it is unlikely the Spans would be preparing appeals right now, facing prison terms of up to three years if they fail, as well as lawsuits for damages of $2 million filed by the marshals. Instead, the Spans could be pursuing lawsuits of their own against the men who attacked them.

Now Bill Span is dead, Virginia no longer drives or reads, and thousands of unaffordable dollars have already been poured into their children's legal defense.* With justice like this, who needs tyranny?

And oh, yes. It later turned out that Darlene and Jerry's brother Mickey Michael was indeed not the man the marshals were looking for, after all...

Aftermath

Right now the Spans are still fighting for justice, nearly five years since they were first attacked! At this writing, there are still suits by them against the marshals and the police who helped them, and suits by the marshals against the Spans, while an appeal of the criminal action against them awaits approval for hearing by the U.S. Supreme Court.

Although the 9th Circuit Court found faults with their original trial, too few of the defects had been presented or legally preserved in such a way that they were useful to the Spans: verdict affirmed. They worry that this may make it hard for them to win damage awards from the attacking officers, and possibly easier for the marshals to win against the Spans, whether or not the marshals' cases have any merit or basis in truth.

Darlene and Jerry continue to wonder how it all got so far, especially after they thought all charges against them had been permanently dismissed by the municipal court when it sustained a motion to that effect by the state. From the start, they've felt doubly jeopardized, because they understood the matter to be closed -- only to face federal charges a week later.

It's even been discovered that the federal prosecutor was the wife of the marshals' supervisor, that the judge himself purged the jury of anyone who wouldn't swear to apply the law exactly as he gave it, who had strong religious or moral convictions, who belonged to any group whose "purpose [is] to promote and enhance individual rights" -- even those whose cars had bumper stickers he didn't like...

Our hope is that continuing publicity and exposure of the Span tragedy can not only spare others the kind of pain they've been through, but also bring out the real truth in one or more of the actions still pending, so that something resembling justice can finally prevail.

If you want to help (with money, expertise, publicity, etc.) give FIJA a call so we can advise you of the current status of these cases, or refer you directly to Jerry or Darlene.

*EDITORS' NOTE: Darlene and Jerry still need and would gladly accept and gratefully welcome legal or financial assistance in support of their appeal. Reach them by mail at P.O. Box 44970, Phoenix, AZ 85064.

THE WALL STREET JOURNAL.

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VOL. CCXVII NO. 3 ★★★ FRIDAY, JANUARY 4, 1991 FEDERAL WAY, WASHINGTON

Courtroom Putsch?

Jurors Should Reject Laws They Don't Like, Activist Group Argues

It Says Juries Have the Power And Need to Be Told of It; Establishment Is Horrified

Adherents Are a Diverse Lot

By STEPHEN J. ADLER
Staff Reporter of THE WALL STREET JOURNAL

As the room filled up, pot smokers mingled with church ladies and tree lovers swapped stories with gun buffs. Had someone taken a wrong turn somewhere?

These pilgrims to a slightly seedy motel near St. Louis didn't seem to think so. They had found common ground across vast ideological divides in a group called the Fully Informed Jury Association.

Based in tiny Helmville, Mont., which boasts a population of 28 and not a traffic light within 56 miles, FIJA is a low-budget organization with a giant vision. It wants, quite simply, to require that juries be told the truth about how much power they have. The proposal may not sound like much, but on the remote chance that it succeeds, it would change the face of the American legal system.

That's a prospect that, for diverse reasons, excites libertarians, tax protesters, civil rights groups, people on both sides of the abortion issue, some academics and ex-judges—and just about every fringe group imaginable. Putting the matter a bit too simply, libertarian and FIJA co-founder Don Doig says fervently, "Our proposal would return power to the people. So those who want power returned to the people like it, and those who don't don't."

Some Precedent

The movement springs from the fact that juries in criminal cases possess an absolute but unadvertised power to ignore the dictates of the law. As a practical matter, a jury can know a defendant is guilty but simply refuse to convict him. The reason this is true is that the U.S. system protects defendants from being tried twice for the same crime, and thus ordinarily prevents the prosecution from appealing an acquittal, no matter how wrong-headed it may seem. The system also protects jurors from being punished for their verdicts. So while a jury's decision to acquit can be impulsive, biased or downright unlawful, it cannot be second-guessed or revoked on appeal.

Defendants have broader grounds for appeal. However, such appeals generally can't inquire into a jury's decision-making process.

What the so-called FIJA activists want is for judges to start telling juries of their power and to stop instructing them—as they have for more than a century—that they must follow the law as explained by the judge. The group seeks state laws and constitutional amendments to require judges to tell jurors they can ignore the law.

Grass Roots

The legal establishment defends the status quo by saying that jurors may have the practical power but they don't, and shouldn't, have the right. The jury activists don't buy it. Says Godfrey Lehman, one of the movement's more passionate adherents, "The most important role of the jury is to judge the law. It is their duty to overturn any law they don't like. Judges who lie to them and refuse to tell them that are criminals." He adds, "I hate judges. I hate them."

Sentiments such as Mr. Lehman's make FIJA vulnerable to being dismissed as the concoction of the offbeat and overzealous. And it's true that many single-issue groups favor jury power simply because they believe juries will be more sympathetic to their causes, from biker rights to legalization of marijuana, than are judges or legislators.

But FIJA is only 18 months old, and it has already made surprising strides. Organizers say they have jury-rights lobbyists operating in 35 states. FIJA bills have been filed in a handful of legislatures, and last year the proposal garnered 13 co-sponsors in Arizona. More than 100,000 signatures for ballot amendments have been collected in several other states. The politically muscular National Rifle Association and other lobbies have lent their endorsements.

Establishment Horrified

The basic FIJA proposal provides that "the court must inform the jury of its inherent right to judge both the law and the facts." In New York, state Sen. Joseph L. Galiber of the Bronx, a Democrat, plans to introduce such legislation this month. According to aide Nathan Riley, Sen. Galiber sees it as helping guard against "lopsided law enforcement" targeted at minority groups in urban areas. Meanwhile, in mostly rural Montana, Republican state Sen. Dave Rye says he is considering filing a jury-power bill because "the law has gotten away from the average person."

While the proposal isn't close to passage in any state, the emergence of the movement is startling enough to raise the hackles of prosecutors, judges and other members of the legal establishment who like things much the way they are. Joseph diGenova, a former U.S. Attorney who prosecuted members of former Washington Mayor Marion Barry's administration, says, "If juries can ignore the law, they can impose their own law on anyone. That's exactly what tyranny is all about."

In truth, though, juries already exercise this power from time to time, even without being told they have it. After the trial of Mr. Barry, for example, some jurors said they knew the mayor was guilty of many charges but convicted him of only one because they believed he had been unfairly targeted by prosecutors on racial grounds. Studies show that juries are frequently lenient to defendants who act in self-defense but exceed the bounds of the law: Women who kill abusive husbands are often acquitted, as are street-crime victims who retaliate against their attackers.

The jury activists believe that juries would exercise this power more often if they understood that they had it. And publicity alone can have a big impact because if jurors learn of their power through the press, they don't need to be told of it by a judge. "Even if FIJA doesn't succeed, it succeeds," says Mr. Lehman, a San Franciscan who has served on seven juries and written a juror handbook that emphasizes this power.

Opponents acknowledge that jurors can't be punished for disregarding the law. But they see a big difference between allowing jurors to make occasional deviations from the law and actively encouraging such lawlessness. These critics fear that, liberated from following the established law, juries would convict or acquit defendants because of race, ethnicity, religious beliefs or just on whim. They could give legal sanction to bias crimes, undermine the tax system by letting tax cheats go free, or condone vigilantism. If the principle were applied to civil suits, as some of its advocates favor, it could wreak havoc on commercial transactions. The will of the legislature would be thwarted. The result, says Federal Judge William Schwarzer, head of the Federal Judicial Center, "would be chaos and lawlessness."

Nonetheless, jury-power activists have a good deal of inspirational early American history on their side. They point out that in pre-Revolutionary days, colonists who served on juries made a practice of refusing to convict defendants for breaking British laws they deemed unfair. In the most famous such case, jurors in New York City acquitted printer John Peter Zenger of seditious libel after his attorney convinced the jury that printing the truth shouldn't be illegal, no matter what the British law on the subject said. After the Revolution, many U.S. judges continued to show deference to juries by routinely telling them that they could determine for themselves what the law should provide.

But judicial enthusiasm for jury nullification of written laws waned in the 19th century as legal rules became more complicated and the power of professional lawyers and judges increased. In addition, the business community exerted pressure to make sure commercial laws were enforced consistently. In 1895, the Supreme Court made clear that in federal criminal cases the judge was supposed to instruct the jury to follow the law as interpreted by the judge. With limited exceptions in a couple of states, state courts have applied the same rule.

It is the prospect of restoring the jury's lost glory, and encouraging juries to exercise their nullification power more frequently and more pointedly, that has enabled the FIJA activists to overlook ideological differences in their ranks. "I've learned there's good in all groups," says libertarian Larry Dodge, who had run unsuccessfully for state office three times in Montana when he heard about jury nullification from a tax protester. Mr. Dodge seized on the idea, held a meeting on the subject at the Libertarian Party convention in the summer of 1989 and, along with Mr. Doig, began the Fully Informed Jury Association shortly afterward. Together, they started a newsletter, created a "FIJA hotline" and set out to build a coalition, with no barriers to entry.

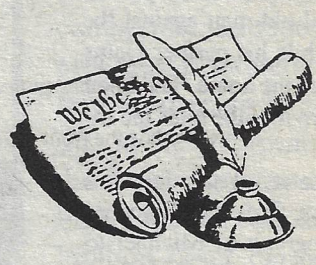
Mr. Dodge was once a Democrat but now joins hands with members of the John Birch Society. "I'm interested in individual rights, and that's not very different from what the John Birch Society says, although they take some moral and military stands I don't agree with," he says.

Around the nation, FIJA activists are making similar accommodations as they plunge into the lobbying fray. Burk Hale III from Chickamauga, Ga., is fighting hard for jury power because "in our community, we're pretty Christian people, and we want to use that law to reflect how we feel about all these issues." He worries that, in the wrong hands, jury power could lead to "immoral results," but he says he is willing to let the law reflect the standards of a particular community.

In Wyoming, Ayn Randian objectivist Don Young is furious with the Supreme Court and sees jury power as a way to encourage limited government and individual freedom. He sees anarchists among jury-power supporters and notes, "I have some problems with anarchy." But he says he will work with them anyway.

From a much different perspective, Mr. Riley, the aide to New York State Sen. Galiber, also sees "a dark side" to the movement: White juries could refuse to convict whites who are guilty of bias crimes. But, he says hopefully, "The discipline of the court is such that we can expect juries to act responsibly more often than not."

Because they share this belief, close to 100 FIJA activists from the far corners of the political universe managed to put up with one another during their weekend conference in St. Louis. Reflecting the amity in the ranks, even a dinner-time discussion between people on opposite sides of the abortion issue managed to remain civil. Said Mr. Doig afterward, "So it wouldn't get out of hand, I said ultimately we'll have to leave the question to the jury. And both parties accepted that."



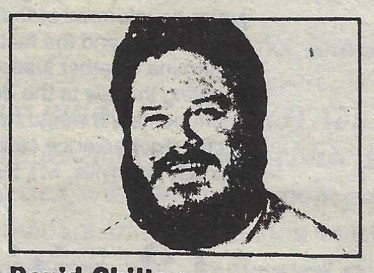
JOIN FIJA AND RECEIVE the *FIJActivist!*

If you like this "FIJA" JURY POWER INFORMATION KIT, you'll love the ***FIJActivist*** newsletter! (Free, approximately quarterly, to members. See page 16).

Sacramento Union Sunday, March 17, 1991

THE NEW AMERICAN
FEBRUARY 12, 1991

Juries: bulwark against tyranny



David Chilton

Once upon a time, in merrie olde England, there was a bad king named John. (You will remember him from the Robin Hood stories — the evil Prince John who kept trying to usurp the throne of Good King Richard. Well, what the Robin Hood stories forget to tell you is what Paul Harvey would call The Rest of the Story: Bad Prince John eventually became Bad King John. The sheriff of Nottingham was probably promoted to building inspector).

King John was, by all accounts, the very worst king England ever had. He betrayed everyone he had dealings with, broke every promise he made, kidnapped women and children, imprisoned people or ordered them murdered at a whim, taxed his citizens mercilessly, and even hired a foreign army to terrorize the country in a bloody rampage of rape, robbery and destruction. No one had the right to oppose him, he said: "The law is in my mouth."

Stephen Langton, the wise and brave archbishop of Canterbury, did oppose him, to his face. King John shouted at him, as so many tyrants have shouted at churchmen ever since, to "mind your church, and leave me to govern the country!"

But the priest refused to back down. Assembling the outraged nobles of the land, who were plotting insurrection, Langton persuaded them instead to force the king to sign a new charter of liberties, guaranteeing the rights of Englishmen.

An army of nobles met the king at a meadow called Runnymede on June 15, 1215, and presented him with the charter of liberties. That charter, which King John angrily signed under duress (and promptly did everything he could to repudiate) is known to history as Magna Carta — the Great Charter.

Embodied in the common law, it marks a milestone in the history of liberty for all English-speaking peoples. In fact, in 1965 Queen Elizabeth II officially dedicated an acre of land at Runnymede as American soil, symbolizing its importance in our heritage.

Most of Magna Carta's 63 provisions are of little significance to us now. But Chapter 39 is still crucial. It guaranteed that no one could be deprived of life, liberty or property "except by the legal judgment of his peers or by the law of the land" — a trial by jury according to the common law. No one could be punished for breaking one of the king's laws without the consent of the accused person's equals.

This fundamental right is basic to our concept of justice. It declares that no one, not even a monarch, is above the law. It means that, essentially, trials are held and cases decided by the people, not by the government.

What comes next may shock you, but it is integral to the nature of a jury itself. The most important way juries have been a bulwark against tyranny is that juries have the power, not only to decide the facts in a case, but also to decide on the validity of the law itself.

For example, let's say the king accuses someone of violating one of his laws. A jury of the man's peers could decide that the law is an unjust law and simply refuse to convict: case closed.

That right still exists. It's called "jury nullification," and it's been law for centuries. Most lawyers and judges (understandably) don't want jurors to know how much power they have, so they don't bother to inform them about it. Armed with this knowledge, a jury can short-circuit virtually any high-handed oppression.

John Jay, the first chief justice of the United States, affirmed: "The jury has the right to judge both the law as well as the fact in controversy." Samuel Chase, another early Supreme Court justice, agreed: "The jury has the right to determine both the laws and the facts."

That is why Alexis de Tocqueville, in "Democracy in America," commented that this power "places the real direction of society in the hands of the governed, and not in that of the government."

Nullification has been used to frustrate bad laws at several important points in history. The Fugitive Slave Act of 1850, for example, was repeatedly nullified by juries throughout the country. They simply refused to convict anyone for harboring or assisting runaway slaves. Would anyone today suggest that they were wrong to rule against such an infamous law?

There are as many modern applications of the nullification principle as there are bad laws. Juries could refuse to convict anti-abortion activists for violating trespassing laws. Or, if our legislators pass a law prohibiting discrimination against homosexuals, such a law could — by being rejected in court — turn out to be unenforceable, and hence null and void.

A proposed initiative, called "Juries," would force judges to inform jurors of their nullification rights. For more information, contact Judy Osburn at Star Route 1, Box 165, Maricopa, Calif. 93252. Let's put tyrants in their place.

David Chilton's column appears each Sunday.

"Jurors should acquit, even against the judge's instruction ... if exercising their judgement with discretion and honesty they have a clear conviction that the charge of the court is wrong."
— Alexander Hamilton, 1804

AGRI-NEWS

Vol. 21 No. 28 Billings, Montana, January 11, 1991

THEN and NOW

By Patrick K. Goggins

Well, the legislature is in session. Nearly 1,500 bills are going to be considered. Believe it or not, a good share of the bills have to do with spending more money.

Isn't that something. When just about all of the political enthusiasts who were voted upon and sent to the State houses in our various states, just about all ran on the contention that government is costing too much - that the system has to change. Well, I guess it's just so many words.

I'm going to be interested to see if one of the new senators who went to Helena, Dave Rye, is going to file a jury power bill that he said he was considering. He said, "the law has gotten away from the average person".

Rye made the front page of the Wall Street Journal last Friday, Jan. 4. WSJ stated that there is a movement that started at Helmville, Mont. that is a town of 28 people, not a traffic light within 56 miles. This low budget movement has a giant vision is getting national attention in many state houses.

"FIJA" (Fully Informed Jury Association) says, "to require that juries be told the truth about how much power they have." The proposal that would return power to the people. It would require that judges start telling juries they have this power and to stop instructing them as they have for more than a century that they must follow the law as explained by the judge.

This might be a small tiny idea but this idea would change the judicial system of America by leaps and bounds. It would in fact put a lot of power back into the hands of the ordinary people, the people who are jurists, who are from every walk of life. This basic FIJA proposal provides that "the court must inform the jury of its inherent right to judge both the law and the facts."

Wall Street Journal points out that the establishment is horrified at this movement. They said it is "raising the hackles of prosecutors, judges and other members of the legal establishment who like things much the way they are."

It will be interesting to see if Montana looks at it in its legislature and if Dave Rye in fact, is going to attempt to introduce the bill.

I well remember personally of having gone to high school and college with a few folks who are now judges, a couple of them federal judges. I remember them in school as any ordinary person, a couple of them didn't have much more sense than to come in out of the rain. They weren't leaders, they weren't profound in their thinking, they weren't exceptional but they got a law degree, some had a very successful law practice or political career.

All of a sudden, once they get on the bench, they are supposedly next to God and their word is the law of the land and their decisions are final. You know what? I don't believe it.

I think there are many people who are on juries all across the country who have their feet on the ground sounder, have their head screwed on right, would be in a position to judge the law and the laws better than that judge sitting on the bench. I'll lay odds on that one. I think the idea is well thought out. I hope it catches on. It's time we put some law back into the hands of the people.

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— THE UNION, Grass Valley-Nevada City, Ca.—Friday, January 31, 1992

Letters to the editor

Jurors' rights

Did you know when you serve on a jury, you have the right to judge the law as well as the facts, although judges may tell you otherwise? You can refuse to convict in a case in which the law is confusing or unjust. Thomas Jefferson and other Founding Fathers strongly believed that juries must judge the law to guard against rampant legal bureaucracy. John Adams in 1771 said of the juror: "It is not only his right, but his duty ... to find the verdict according to his own best understanding, judgment and conscience, though in direct opposition to the court."

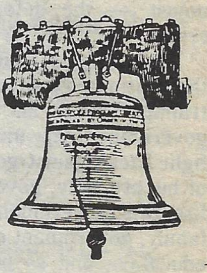
Yet on Jan. 9, 1992, at the Nevada County Courthouse, the judge asked the prospective jurors if any would judge the law. When one young woman said she might, she was promptly dismissed. Although no court has yet dared to deny that juries have the right to judge the law itself, our voracious legal bureaucracy and its tampering with "randomly selected" juries has concealed this right.

Our nation has a proud history of juries voting their consciences and opposing government mandates of the time. Runaway slave laws were eventually repealed because of juries refusing to convict people assisting runaway slaves.

Freedom of the press was also established in this way as a result of the trial of John Peter Zenger. Zenger, a New York newspaper editor, in 1735 was tried for publishing an article critical of the governor — and although the article was true, he was charged with criminal libel. The jury refused to convict him for his "crime." Our individual liberties are upheld when juries exercise their power to judge the law.

Trial by jury was meant to be the fourth and final check in our checks and balances system. Trial by jury was intended to be trial of the law itself, so that we as jurors can scrutinize these laws. Know your power as a juror, as did this Nevada County woman; for the more of us armed with this knowledge, the more difficult it will be for us to be "dismissed." As our Founding Fathers were aware, when juries are not allowed to judge law, it becomes trial by the government.

Maxine S. Dusseljee
Nevada City



THE INDIANAPOLIS STAR
A-12

EDITORIALS

WEDNESDAY, AUGUST 21, 1991

"Let the people know the facts and the country will be saved."-Abraham Lincoln

Welcome, Readers of Peace Action News

PEACEWORK
A New England Peace & Social Justice Newsletter

Recommend Peacework to a Friend or Librarian

July-August 1990 Issue No. 199 $1

The Fully Informed Jury Amendment (FIJA) is a campaign to launch ballot initiative drives making it mandatory that all jurors be informed of their right to "judge both the law and the facts...In order to determine whether justice will be served by applying the law to the defendant." If implemented, it would have a major effect in civil disobedience cases. Info: FIJA, PO Box 59, Helmville, MT 59843.

Satisfying the moral sense of any 12 citizens

Joseph Sobran

Washington — Let's not be too smug about our superiority to communism. After all, the communists have just proven they know how to remove an incumbent from office. I wish we could say the same.

Our system has plenty of room for reform. In fact, it might best be reformed by simply reactivating some of its dormant features, notably the Second, Ninth and 10th amendments, which used to be counted as articles of the Bill of Rights.

Another dormant, if not comatose, feature of the Anglo-Saxon legal tradition, according to some libertarians, is the right of "jury nullification of law." This means that a jury may not only decide whether a defendant has broken the law, but whether the law itself is just. If the jury deems the law unjust, in other words, it may acquit even a "guilty" defendant.

Suppose a young man is arrested for smoking marijuana. The prosecutor seeks the maximum sentence of several years in prison. The defendant doesn't deny the charge. But his lawyer argues that smoking marijuana is not an action anyone should be imprisoned for. Does the jury have the right to vote for acquittal?

YES, AND juries have always done so in the real world. When rabbit-poaching was a capital offense in England, juries refused to convict rabbit-poachers, no matter how flagrantly guilty, because the law itself was more monstrous than the offense. Nobody wanted to send a man to the gallows for stealing a rabbit. In effect, juries "nullified" the law.

Unless the jury was free to pass judgment on the law as well as on the defendant, it would be reduced to a servile function.

The right of a jury to nullify is at least a de facto right, in that nothing can force a jury to convict anyone if it wants to acquit. It would be an outrage to punish a jury for any honest verdict, however wrongheaded.

But the Fully Informed Jury Association goes further: It insists that the jury's nullification right is among our traditional rights. It says that the courts, which insist that defendants be informed of their rights, should also be required to inform jurors of theirs.

Based in Montana, the Fully Informed Jury Association thinks it has discovered the key to recovering our liberties: Just tell every jury that it may, in effect, veto the law under which any given defendant is being tried.

AT FIRST, it sounds like a recipe for anarchy. Can we really let every jury sit in judgment on every law? Well, why not? No jury is going to decide that laws against murder, armed robbery and rape are unjust. But it might well decide that drug laws, tax laws and other controversial legislation are unjust. When laws are passed at the behest of special interests, and legislators are nearly impossible to remove from office, the jury may be the last safeguard against oppression.

Advocates of jury nullification say that this right not only exists already but stands unchallenged. We haven't heard of it, they say, because the government prefers to ignore it, and any defense attorney who told a jury of its nullification right would be found in contempt of court by an angry judge.

THE GREAT 19th century libertarian Lysander Spooner argued that the jury was the key to freedom. Unless the jury was free to pass judgment on the law as well as on the defendant, he pointed out, it would be reduced to a servile function. In that case, "government determines what are its own powers over the people, instead of the people's determining what are their own liberties against the government. In short, if the jury have no right to judge the justice of a law of the government, they plainly can do nothing to protect the people against the oppressions of the government; for there are no oppressions which the government may not authorize by law."

It sounds reasonable to me. Any decent law ought to be able to meet the test of satisfying the moral sense of any 12 citizens, because any 12 citizens, taken at random, are more trustworthy than several hundred politicians.

UNIVERSAL PRESS SYNDICATE

JANUARY 12, 1991 **Bozeman Daily Chronicle**

Jury nullification is a sacred tradition

Roger Koopman
Chronicle Columnist

With the hundreds of spending and regulatory bills already in the hopper, most of them meant to satiate the appetites of organized special interests, there is one piece of legislation that stands apart. It spends no money and it serves all Montanans equally. It may be the most important measure this, or any legislature, will have the privilege to enact.

Called the "fully informed jury law," the bill will be introduced by Sen. Dave Rye, R-Billings, through the combined efforts of jury rights activists Don Doig and Larry Dodge of Helmville. It is part of a homegrown, national campaign to restore the role of juries to their constitutional preeminence, by requiring judges to inform jurors of their inherent right to judge the law as well as the facts.

Nowhere is the sovereignty of the people over government more clearly established, and the powers of the individual citizen more solidly rooted than in the American jury system. The founding fathers designed the jury to function as an impenetrable fortress against tyranny, an ever-present check on the powers of government manifested not in democratic majorities and legislative lobbyists, but in the authority of a single individual, sitting on a jury anywhere in this country, to say "this law is unjust — the defendant is guilty of no crime."

Truly, this is "power to the people" — the continual opportunity of the little guy to triumph over all the force that big government can muster against him. To fight back against government confiscation of his property, government banning of his firearms, government interference with his family, government control of his childrens' education, and so on.

This sacred tradition of American justice, by which jurors have the right and responsibility to stand in judgement, both of the court evidence and of the law, is referred to as jury nullification. If it sounds a bit strange to you, it is only because Americans in the last century have allowed this crucial right to fall into disrepair through lack of use and lack of understanding. Yet jury nullification is designed precisely for this day and age, where government has grown out of control and regularly disregards the rights of the people.

The concept of jury nullification is magnificent in its simplicity. It is the recognition that, in criminal trials (i.e., where the state is a party in the action) juries have not only the right but the responsibility to examine the law itself, its constitutionality and the justness of its application in the particular case being tried. If the law violates the moral conscience of the juror, either generally or in relationship to the specific circumstances of the case, that juror has both the authority and the duty to acquit the defendant. What such a juror, in essence, is saying is that the defendant might be guilty of breaking the law, but he is innocent of committing a punishable crime.

By this procedure, juries can effectively "nullify" the authority of a given law on a case by case basis. Jury nullification does not establish "case law" or legal precedent (mischievous concepts in any case). The nullification relates only to the specific case involved and does not impact, directly at least, on any other case.

Yet jury nullification, in the long term, can have an enormous cumulative effect on society in reestablishing constitutional government and the sovereignty of the individual. Nullification represents, on the local level, a very direct and decisive rejection by the people, of bad law. When juries all across the country vote time and again not to convict because the law is unconscionable, an extremely powerful message is sent to the Congress and state legislatures. If enforcement of an oppressive law is rendered almost impossible the law has been effectively repealed by direct intervention of the people. Legislative bodies will begin to understand what they have for years forgotten — that in the United States of America, the people are still in charge.

More and more, juries will begin to assert themselves as essential institutions in defense of a free society. As this process continues to cleanse the system of unpopular and repressive statutes, at least two significant changes will take place among the people themselves. First, there will be a tremendous rejuvenation of our respect for law itself — something the liberals have worked hard to destroy these many years. Second, the moral senses of the people will be gradually sharpened as we begin to recognize our individual responsibility in the maintenance of our fragile liberties. We will become, once again, a vigilant people, more keenly aware of the abuse of government power, more jealous of our liberties, more sensitive to the moral and philosophical prerequisites of freedom.

The Fully Informed Jury Association is now organized in 35 states, and as a movement, is spreading like wildfire, having evolved into an incredible amalgamation of enthusiasts from every point on the political spectrum. Many state legislatures will be considering bills like Sen. Rye's in the coming year. Hopefully Montana, as the place where it all started 18 months ago, will lead the way in passage of this landmark legislation.

Roger Koopman is a Bozeman businessman who writes a regular column for the Chronicle.

AMERICAN RIFLEMAN
August 1992

NRA OFFICIAL JOURNAL

Member Resolutions Passed In Salt Lake

RESOLUTION IN SUPPORT OF THE RIGHTS OF JURIES

WHEREAS, The Right to Keep and Bear Arms is increasingly threatened by unconstitutional and unjust legislation; and

WHEREAS, The jury is the ultimate defense against such legislation; now, therefore, be it

RESOLVED, That we, the Meeting of the Members of the National Rifle Association, assembled April 25, 1992, in Salt Lake City, upholds the Right and Power of juries to acquit a defendant charged with violating an unconstitutional or unjust statute; and, be it further

RESOLVED, We also hold that it is the duty of courts to inform juries of their full Rights and Powers; and, be it further

RESOLVED, We memorialize the Board of Directors to implement this resolution by all reasonable, appropriate, and feasible means such as support of educational efforts, legislation, and ballot initiatives.

If You Are Called for Jury Service

Show up, of course, with your conscience as your guide.

The court will usually ask the assembled jury pool, from which a jury or juries will be drawn, if anyone knows either the defendant or the plaintiff, and whether anyone has any reason why he or she would be unable to render a fair verdict. These are appropriate concerns, and most people, ourselves included, have no problem with questions of this sort. We urge you to answer honestly, out of respect for the defendant's right to a fair and impartial jury.

But what about questions which you feel invade your privacy, or simply embarrass you? Should you refuse to answer? Or should you spill your guts at every question? Should you tell the judge and lawyers only what they want to hear? Or only what you want them to hear? Or...?

And what about the oath you'll be asked to take—to "follow the law as given by the court, even if you disagree with it?" Should you cross your fingers while swearing to abide...?

No one can supply answers for anyone else to moral questions like these, so we won't try. Nor does FIJA offer legal advice, because we're not lawyers. But—it should be abundantly clear—we believe fully informed decisions are better than choices made in ignorance, so we are happy to supply some considerations which may be of value to you when you receive notice to show up for jury duty, along with some tips to help you understand your role as a juror:

(1) Your Fourth Amendment right to privacy and your Fifth Amendment right to remain silent apply—even during the jury selection process, or "voir dire", where rough questions are often asked. (For example: "Have you ever been raped, madam?")

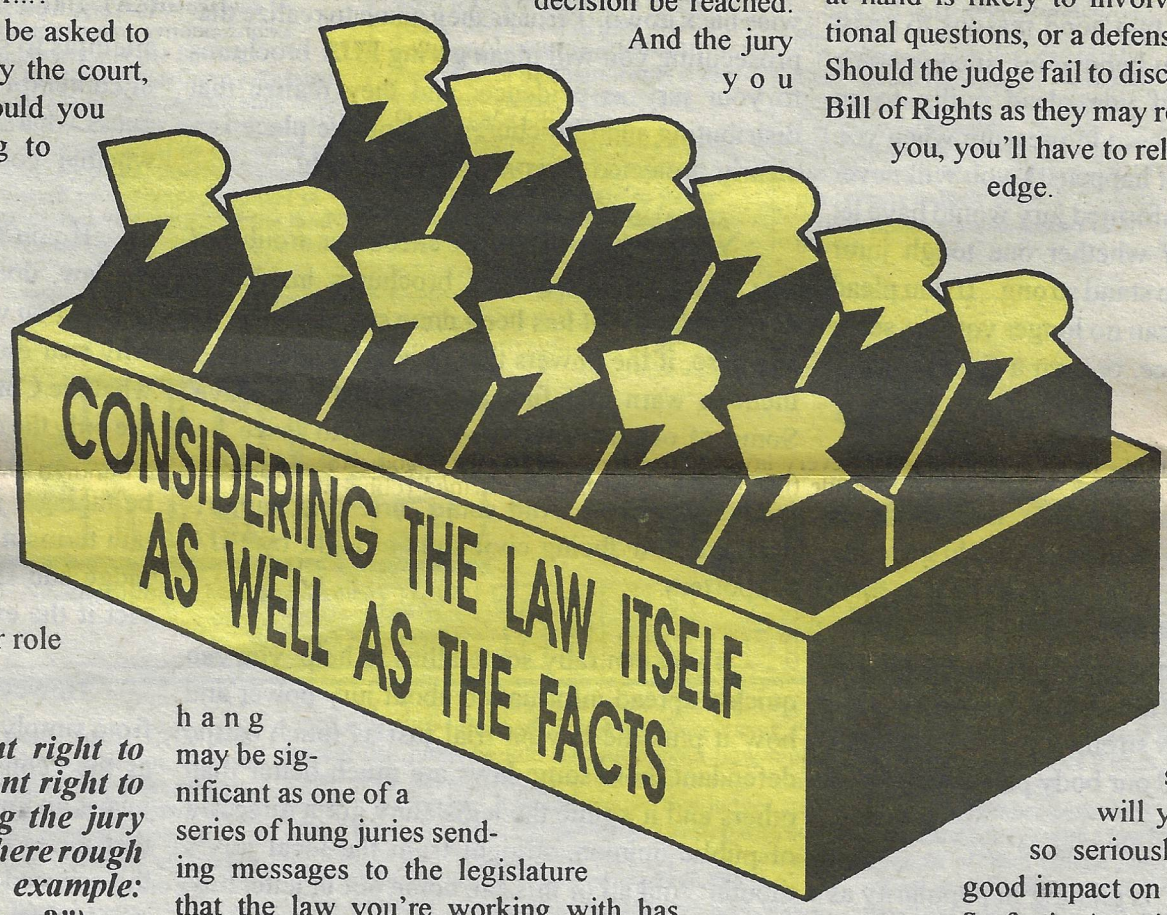
Refusal to answer may cost you an opportunity to serve, so you have a moral choice to make if you believe that justice in this case could depend upon you being empaneled, or you feel that you have a duty or responsibility to the community to serve on this jury which outweighs having to make some difficult choices, including choices which may embarrass or inconvenience you, or which will entail invasion of your privacy.

(2) The judge is granted no authority by the Constitution or by any Supreme Court ruling, by common law or by any traditional American legal doctrine, to require the jury to take an oath to follow the law as he explains it or, for that matter, to "instruct" the jury to do anything.

Judges may explain to juries what the law is, and jurors may agree to accept that explanation of the law, and to apply it accordingly. But no judge can force a juror to accept and use the law to convict someone against his or her conscience.

(3) You cannot be punished for voting your conscience. Judges, and other jurors, often rely upon guilt to persuade hold-out jurors to abandon even a conscientious stand against the majority "...in order to avoid a hung jury and mistrial, and all the extra money that will cost the taxpayers..." But no one, not even the judge, has the power to make you abandon your sense of right and wrong, even when it means you must refuse to "go along with the majority", or fail to follow whatever oaths you were told you "must" take before you could be empaneled. Besides...

(4) Hung juries are OKAY. If voting your conscience should lead to a hung jury, not to worry. There is no requirement that a unanimous decision be reached. And the jury you hang may be significant as one of a series of hung juries sending messages to the legislature that the law you're working with has problems, and it's time for a change.



(5) Understanding the context in which an illegal act is committed is essential to deciding whether the defendant acted rightly or wrongly. Strict application of the law may produce a guilty verdict, but your real job is justice. Once you and your fellow jurors decide that strict application of the law to the facts has indeed proven that the law was violated "beyond a reasonable doubt", then the hard part begins: doing justice may require a careful look at the context of the crime in order to decide on the verdict (and, where juries do the sentencing after finding someone guilty, to determine an appropriate sentence).

(6) During deliberations, it is always appropriate to discuss whether the prosecution may be politically motivated. Much of today's "crime wave" is made up of victimless crimes—crimes against the government, otherwise known as "political crimes". And it does happen that individuals are singled out for prosecution as a way of harassing them, or making examples of them. If your feeling is that the law may be well-intended, but that applying it could unduly empower the government or have some other dangerous consequence, just remember that "juries can acquit for any reason, or no reason at all."

(7) When you are asked whether you will follow the law, consider that the Constitution is the highest law of the land, and any other laws which violate it are null and void (Madison v. Marbury, 5 US (2 Cranch) 137, 174, 176 (1803)). As jurors you may decide that you have an obligation to follow and enforce the Constitution. And it is always appropriate to ask yourself if the case at hand is likely to involve important Constitutional questions, or a defense of the Bill of Rights. Should the judge fail to discuss the Constitution or Bill of Rights as they may relate to the case before you, you'll have to rely on your own knowledge.

(8) Politically, you can do more good as a trial juror than in practically any other way as a citizen: you can be part of a feedback loop of community opinion on the law if the case you hear involves a questionable law, a law which violates your sense of justice or your conscience. When else will your opinion be taken so seriously, or have so much good impact on the rules we live by? So far in America, a defendant is still presumed innocent until proven guilty "beyond a reasonable doubt." You'll do fine as a juror as long as you keep in mind that "innocent" and "guilty" are moral judgments for you to make, with the facts of the case and the law as your guides. Hang onto the fact that you, the jurors, are the most powerful and important people involved in the case, and finally that it is your personal responsibility to use your own vote to prevent injustice if it comes down to that.

You are nobody's rubber stamp...at least, you'd better not be, because *you*—not the judge, nor the prosecutor, nor the defense team, nor the bailiff nor the jailer nor the janitor—*you* stand to receive the credit or blame for your decision. You signed on as "conscience of the community"[1], and while you cannot be punished for doing a poor job, a job well done can be of inestimable personal, social and political value. You have a lot of power as a juror, and we urge you to use it wisely.

You are nobody's rubber stamp . . . you stand to receive the credit or blame for your decision.

If You are Facing Charges

The following is not intended to substitute for competent legal assistance, nor is it to be construed as specific legal advice. However, we offer some observations which may be of general interest.

First, it is important that you ask for a jury trial immediately upon being charged. Ask to sign the relevant paperwork.

The prosecutor is likely to put pressure on you to accept a plea bargain (guilty, but to a lesser charge). He or she may threaten to escalate or multiply charges if you do not give up your right to trial by jury. Too often, defendants are warned that if they insist on going before a jury, and then lose, the punishment will be much worse than if they make a deal.

There are at least two good reasons to resist this intimidation, if you believe injustice is being done to you. First, if you plead guilty to an unpopular law or acquiesce to pressure when you are actually innocent (it happens!), you will never know whether a fully informed jury would have let you go scot free -- or whether one tough juror would have been able to stand strong. If you plead guilty to a felony, you can no longer vote, or serve on a jury, serve in office, or own a firearm.

Secondly, if you are a "freedom fighter" consider that freedom never comes cheaply. Yes, there is a chance you could go to the greybar hotel, having failed to convince a jury. But if you would like to bequeath to your children a freer society than we now have, and not totalitarianism or tyranny, fight the charges! Trial by jury, like a muscle, will grow stronger with use, and has the clear potential to rid our body politic of a lot of very abusive laws.

A "FIJA defense" is gaining in popularity as we see more and more "hung juries" and outright acquittals of individuals charged with violating unpopular laws, as well as more and more unconstitutional police procedures, and more prosecutions which sometimes suspiciously resemble *persecutions*.

What is a "FIJA defense"? It is two pronged: the first phase is to inform the community—especially the pool of jurors called to represent it—about the real extent of the power that jurors wield; the next is to inform the jurors who are actually seated to hear your case.

FIJA activists have used a number of approaches to inform the community. FIJA "True or False?" brochures and other materials have been distributed at many events where large numbers of people are gathered, usually with enthusiastic response. Radio, television, and local newspapers have been used to spread the message. Letters-to-the-editor seem to be especially good, as are call-in talk radio programs. Frequently defendants, their friends and family have done excellent jobs of educating each other and their communities.

Friends can be encouraged to stand out front of the courthouse, or in the juror's parking lot, and distribute FIJA brochures to all passersby. The best time to be there is when the whole jury pool is first assembled (often on Monday mornings; be there bright and early).

Thousands of people have now done this, the vast majority without any trouble. Although a few people have been hassled, some even arrested, we have never had anyone convicted of anything for passing out FIJA brochures. Once the authorities discover there is nothing they can actually do to stop brochure distribution, they stumble over themselves in their haste to dismiss charges or otherwise back down. Perhaps they come to realize that prosecuting you will mean giving FIJA brochures to your jury as evidence...and they realize that distributing such brochures in a public place is a clearly protected First Amendment right.

You're more likely to encounter trouble if you insist on distributing brochures inside the courthouse, but it has been done successfully. In any case, if the powers that be react at all, expect them to warn you first and ask that you leave. Some of our activists have refused to leave because they were trying to be arrested, but couldn't induce an arrest. And some "arresting authorities" are now facing civil suits brought by FIJA supporters.

If you can rally some allies to help, you can quickly spread information about jury power and how it puts the law on trial just as much as the defendant, how some laws are much better than others and it's time the legislature got a direct hit of public opinion, straight from the local jury's mouth. And all of this can come out in letters-to-the-editor, fliers, talk show appearances, etc., which encourage jurors to do what's right, according to their own best judgment and conscience.

You can also spread information about why the law you're accused of breaking is a poor one, though FIJA is interested only in the process of justice, and therefore doesn't take sides on any law or laws, at issue or otherwise. You'll have to find materials which pertain to your case/cause, and if you do, you'll probably find that they mix well with FIJA brochures.

Trial by jury is actually being denied to people accused of committing any of the ever-enlarging number of actions which are being classified as crimes nowadays. The government merely establishes new, special jurisdictions to process "certain types" of crimes, and makes sure that these jurisdictions lack any provision for trial by jury.

Jurisdictions like these operate at both state and federal levels. Consider: you cannot now get a jury trial in administrative law courts, most state family courts, nor when accused of major misdemeanors in some jurisdictions, nor in most tax cases. We are seeking reform in this area (see "MaxiFIJA"). Meanwhile, it may be in your best interest to make as much noise locally as you can via media, etc., concerning any attempt to deny you a trial by jury.

The other major approach to "telling" the jury is to get the message out during *voir dire* (jury selection) and during closing arguments. Generally the judge will not allow you or your attorney to tell the jurors that they are judges of the law as well as the facts (more than once, anyway). Nor will you be permitted to argue the merits or constitutionality of the law (at least not until "telling" is required — via FIJA legislation!) Continued attempts to say these things to the jury may result in contempt of court charges (for which charges, guess what: you don't get a jury!). It's up to you whether you "walk the line".

If you're trying to make a point by breaking the law, don't expect your point to be made in court. You will not even be allowed to tell the jury why you did it or what's wrong with the law or what the Constitution says. The jury will hear and see only the evidence and testimony allowed by the judge, as persuaded by the prosecutor, and you'll be facing a jury which has been told in no uncertain terms it must follow the law as stated by the judge and should (sometimes even "must") convict if the evidence supports a conviction.

However, you're not too likely to be stopped from simply reminding your jurors about their role as the "conscience of the community", how the jury is an important player in our system of justice, that juries stand as an important buffer between the accused person and the power of the government, that each juror has the power (and the responsibility) to do what is just, according to his or her own conscience. Look them in the eyes if you believe you are right, and let them know that you believe you did nothing wrong.

If you're not disputing the evidence against you, you may want to say that to your jurors -- in the same breath explaining that a computer, fed the facts of the case, might find you guilty, but that you prefer to trust the conscience and judgment of your peers. You may even get away with telling them that they are in fact responsible only to themselves, their community, and their God.

Saying these things can help your jury gain self confidence, and independence, and may start them thinking about why they're there. Besides, everything you're saying is not only true, it shows your respect for the jurors and the jury system.

FIJA stocks and sells tapes of talks by attorney Tony Serra and law professor Steve Herzberg on how to talk to the jurors about their power, intended primarily for other attorneys, but...

Finally, if in fact justice in your case means exoneration, we wish you every success.

TRENDS

reason

July 1991/Vol. 23, No. 3

We, the Jury

You may have a favorite scenario: a college student caught with a few ounces of pot, a gun owner arrested for failing to register his weapon, an adult-movie producer brought up on obscenity charges. Whoever the defendant is, you are one of 12 jurors hearing the case, and you refuse to convict. Your conscience will not allow you to enforce an unjust law.

According to most judges, a person like you has no place on a jury. A good juror, they say, assesses only the facts of the case, ignoring the morality of the law and the propriety of its application. Not so, say the members of a growing nationwide movement.

The Helmville, Montana–based Fully Informed Jury Association, established in 1989, seeks to revive the more-traditional understanding of the jury's role in the judicial process. FIJA would like to see every state adopt the following measure as a statute or constitutional amendment: "Whenever state or local government is one of the parties in any trial by jury, the court must inform the jurors that, in addition to their responsibility to judge the facts of the case, they have an inherent right to judge the law itself."

FIJA National Coordinator Don Doig says the measure has been introduced in the legislatures of nine states: Massachusetts, Nevada, Oklahoma, Texas, Washington, Arizona, Montana, Utah, and Alaska. Sponsors have been lined up in New York, Georgia, Idaho, and Tennessee. "It seems to be sweeping the grassroots of the country," Doig says.

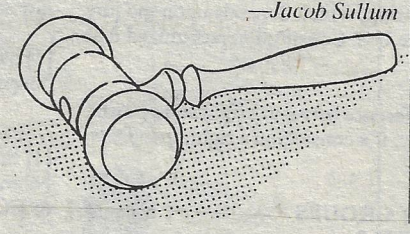
The movement has attracted an odd coalition of libertarians, liberals, and conservatives, including bikers, gun enthusiasts, tax protesters, marijuana growers, and activists on both sides of the abortion issue. In California, a FIJA petition is being circulated along with one aimed at legalizing pot. Articles supporting FIJA have appeared in both *California NORML Reports* and *The New American*, the John Birch Society's magazine. In January the staid *Wall Street Journal* gave FIJA front-page coverage.

Doig says the idea of jury nullification has broad appeal because people sense a need to restore balance to the American justice system. "No institution is perfect," he says, "but you can't name an institution that is freer of bias and corruption than the jury." To illustrate the importance of jury nullification, FIJA activists cite examples ranging from Peter Zenger's seditious-libel acquittal in colonial times to the refusal of juries to enforce Prohibition in the 1920s and '30s.

They also quote Founders such as Thomas Jefferson, John Adams, John Jay, and Alexander Hamilton. "It is not only [the juror's] right, but his duty...to find the verdict according to his own best understanding, judgment, and conscience, though in direct opposition to the direction of the Court," Adams said in 1771.

As a practical matter, the Constitution's Double Jeopardy Clause and the long-standing principle that juries may not be punished for their verdicts ensure that jurors have the ability, if not the acknowledged right, to ignore judges' instructions and vote their consciences. "This is something juries can do right now, and they do," Doig says. "They just don't do it often enough."

—Jacob Sullum



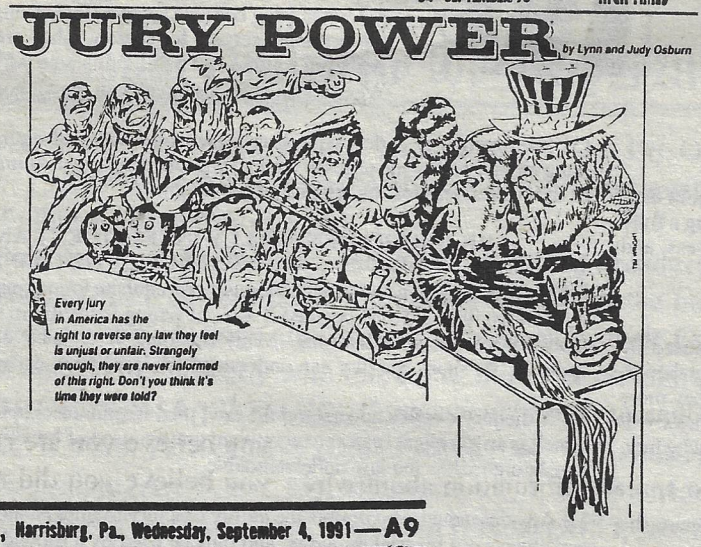
"The jury has the right to judge both the law as well as the fact in controversy."

— John Jay, 1794
First Chief Justice
U.S. Supreme Court

THE NEW AMERICAN
FEBRUARY 12, 1991

Juries have a tremendous amount of legitimate power to judge the law as well as the defendant. For the most part, they don't know that, though.

54 • SEPTEMBER/90 — HIGH TIMES


JURY POWER
by Lynn and Judy Osburn
Every jury in America has the right to raverse any law they feel is unjust or unfair. Strangely enough, they are never informed of this right. Don't you think it's time they were told?

The Patriot-News, Harrisburg, Pa., Wednesday, September 4, 1991—A9

Rights of jury to be marked in anniversary

Sept. 5 marks the 321st anniversary of the date in 1670 when a courageous jury refused to convict a Quaker preacher for preaching to his congregation, illegally assembled in a London street because they had been locked out of their church by armed soldiers.

The judge threatened and intimidated the jurors, trying to force them to convict the defendants, William Penn and his friend, William Mead. When the jury refused, its leaders were imprisoned for nine weeks. When they were finally released on order from the highest court in England, the ruling established the right of jurors in both England and America to vote according to one's conscience from then to the present day.

This means that even today, jurors have both the right and the responsibility, when judging the actions of a defendant, to judge not only the facts of the case, but also whether the law itself is just, constitutional and is being fairly applied. If they think not, they may refuse to convict the defendant. If their decision to acquit is unanimous, it is final.

This decision by the Edward Bushell jury in the William Penn trial was historically pivotal in the recognition of the rights of freedom of religion, freedom of speech, and freedom of assembly and vital to their inclusion in our American Bill of Rights.

The power of the jury to veto bad laws is the essential mechanism by which the Bill of Rights itself can be protected — directly, by the people themselves.

"Celebration" will consist of distributing literature on jurors' rights to whoever will accept it outside many county courthouses throughout the country on Sept. 5. Let's understand and cherish this power of the jury.

Pastor Phillip S. Beachey
New Bloomfield

Juries are key to just courts

TRIAL BY JURY is a fundamental cornerstone of American law, and the last and best safeguard against the abuse of governmental power and unjust laws. Yet most people do not realize that when they serve on a jury, they have more power than all the lawyers and judges combined. No one can be found guilty of a crime unless the jury says so.

When a jury, or any member of a jury, decides a law is being improperly applied, or is just plain bad law, they have the right to vote not guilty, regardless of any instructions given by the trial judge.

This right of a jury to effectively veto unjust laws was first established 321 years ago, when jurors in the trial of William Penn refused to convict him for preaching what was at that time an illegal religion (the Quaker faith) to an allegedly illegal assembly (his congregation, who had gathered on a London street after being locked out of their church).

When you serve on a jury, know your rights — and vote according to your conscience! — Sylvia S. Olson and Ben L. Olson, Rt. 1, Box 114, Pocahontas.

PHOENIX GAZETTE
FRIDAY, FEBRUARY 19, 1993

Juries

Inform them of their power

It's called the Fully Informed Jury Act. To some, it is filled with jurisprudential blasphemy. To others, it is laced with legal legerdemain of the sort that deforms justice with heretical assaults on the very foundation of law.

■FELDMAN

■FIDEL

In fact, it is a rather benign articulation of power that already resides in the hands of juries, except that most jurors are unaware of it.

The Fully Informed Jury Act, now working its way through the Arizona Legislature, requires the judge in a criminal case to inform members of a jury of the full extent of their powers — that they may ignore the law and determine that the accused is not guilty simply because of the dictates of conscience. The law need not be followed, if jurors believe it should not be in the case they are considering.

As we have noted before, history is filled with anecdotes of juries exercising their full powers, contrary to the law or a judge's wishes, including the 1735 case of journalist John Peter Zenger, who was prosecuted for libel against the king of England. Despite the undisputed facts in the case, the jury decided in Zenger's favor, breathing life into freedom of the press.

In a 1991 *Arizona State Law Journal* article on the right of Arizona juries to nullify the law of contributory negligence, Noel Fidel, Chief Judge of the Arizona Court of Appeals, carefully reviewed the historical context of that right.

Judge Fidel recalled that it was Arizona's Chief Justice Stanley Feldman who, in chastising a critic of jury nullification, wrote in 1986, "Jury nullification is not a doctrine recently invented . . . On a plaque near courtroom number 5 of Old Bailey in London, there is a memorial on which the following words are inscribed:

" 'Near this site William Penn and William Meade were tried in 1670 for preaching to an unlawful assembly . . .

" 'This tablet commemorates the courage and endurance of the jury . . . who refused to give a verdict against them although they (the jury) were locked up without food for two nights and were fined for their final verdict of not guilty. The case of these jurymen was reviewed on a writ of habeas corpus and Chief Justice Vaughan delivered the opinion of the court which established the right of juries to give their verdict according to their convictions.' "

Specifically, the Fully Informed Jury Act amends the law relating to juries, stipulating that the charge to all juries include the words, "If you decide that the violation has been proven beyond a reasonable doubt, but that you cannot in good conscience support a guilty verdict, you are not required to do so," and, "Even if review of the evidence strictly in terms of the law would indicate that the defendant did violate the law, if you believe justice requires it, you have the right to find the defendant not guilty."

Would such an addition to the jury instructions atrophy judicial discretion, already allegedly threatened by mandatory sentencing?

Hardly. With the addition of the Fully Informed Jury Act, the judge is still able to throw the case out of court if he thinks the state has not proved its case. And, a jury freed to apply its full constitutional power could more easily remedy any perceived misapplication of mandatory sentencing laws. The Ronnie Barlow case comes to mind.

Finally, here is Judge Fidel:

"Justice is acknowledged to require that juries nullify the law from time to time; yet we call a jury that employs this power 'lawless.' Juries are celebrated as the 'conscience of the community'; yet we fail to explain the role allotted conscience in their judgments. Jury service is touted as a 'phase of civic responsibility'; yet we balk at educating juries to responsibly employ the power we most fear in use. Jury nullification, though a tool of historic and abiding value, is thought too disreputable to disclose. Like some acts deemed once unmentionable in law, it is the power 'not fit to be named.' "

The Fully Informed Jury Act would at last give name to that power.

Answering Hard Questions

Sometimes people offer objections to FIJA, and need convincing that it's a good idea. Here are Larry Dodge's shortest and best answers to fourteen of the usual questions:

DO JURORS HAVE THE RIGHT OR JUST THE POWER TO JUDGE THE LAW ITSELF?

[1] They have both. They have the ***power***, because (a) no one can tell a jury what verdict it must reach, nor restrict what goes on in jury-room deliberations; (b) no one can punish jurors for the verdict they bring in; (c) jurors can't be forced to explain themselves or otherwise account for their decisions; and (d) a verdict of "not guilty" cannot be appealed by the government.

[2] They have the ***right***, because (a)they bear the responsibility for deciding on a just verdict for the accused person; (b) the defendant has a right to a full and fair hearing, which depends upon the jury knowing all its rights and responsibilities; and (c) the authors of the U.S. Constitution recognized it as a right.

[3] Whether we like the idea or not, there is very little real-world difference between a right and a power: generally, if someone has the power to do something with impunity, it's considered a right, *ipso facto*. Dictionaries treat the words as synonyms.

WOULD MINORITY AND INTEREST GROUPS ABUSE EACH OTHER WITH FIJA?

[1] Experience to date tells us "No". FIJA is quite unique in its appeal to groups who have opposing political views. It is probably because, unlike most issues, everyone wins if anyone wins. The FIJA organization is thus an "unholy coalition", which seems to encourage tolerance among very different people in hot pursuit of a common goal: "justice for me...and, incidentally, you too."

[2] Even if this kind of tolerance never extends beyond the FIJA organization itself, fully informed juries will make it easier for minorities (and we're all minorities, by one or another definition), to defend themselves in court against any majoritarian attempts to take advantage of them, so long as verdicts of "guilty" or "not guilty" require a unanimous vote of the jurors, and jury selection is reasonably random.

WOULD CONSISTENCY IN JURY VERDICTS BE SACRIFICED?

No two trials are ever "alike" anyway, but...[1] it is unlikely that alleged "variation" in jury verdicts rendered in different places and times for similar crimes can compete with variations in verdicts—and in sentences—given for similar crimes by different judges. This is because group decisions are less likely to be extreme or unique than individual decisions. Telling jurors the truth about their rights is not likely to change this.

[2] Different juries are likewise inherently more consistent than different individual attorneys, whose relative competence can vitally affect how a case turns out in one time or place, and how a similar case concludes elsewhere, with different attorneys.

[3] Variation in verdicts isn't necessarily bad. It can assist people whose values contrast with the majority in finding supportive surroundings, and can initiate socially beneficial evolution of the laws we live by.

WOULD FIJA VIOLATE THE 14TH AMENDMENT ("EQUAL PROTECTION")?

Equal protection under the law is a conceptual ideal which is regularly "reality checked" by our judicial system: judges have their biases, attorneys theirs, jurors theirs. Media often make matters worse, by setting and aggravating fads in law enforcement. The worst offenders are prosecutors whose plea bargaining is too often based on race, creed, politics, and ability to pay. At least juries are likely to contain people of different backgrounds, so that at least some "averaging" takes place in the direction of equal treatment of defendants. To improve upon this, we urge that every effort be made to more randomly select trial jurors.

FIJA might help: [1] people who lie during *voir dire* in retaliation for being misinformed about their rights by the judge might be truthful if told the truth; [2] the lawyers, knowing they'll be facing a fully informed jury, might pick jurors they believe capable of moral philosophical debate, fairness, and leadership.

WON'T FIJA LEAD TO ANARCHY?

[1] FIJA may be an antidote to the current anarchy, crime rates, and prison crowding caused by victimless/political crime laws: (a) long series of jury refusals to apply such laws will advise legislatures to rescind or modify them; (b) respect for/compliance with remaining laws will increase, as they more accurately reflect community standards; (c) secondary crime caused by victimless crime laws will necessarily subside for lack of motive; (d) respect for the criminal justice system, including trial by jury, will increase as jurors are told the truth by courts.

[2] The Maryland, Georgia, Indiana, and Oregon constitutions have general provisions guaranteeing the right of jurors to judge law as well as fact, and have had no resultant "anarchy".

WOULD PASSAGE OF FIJA FLOOD THE COURTS WITH JURY TRIALS?

[1] For a time, demand for trials by jury might increase from the current 3-5% of all cases, until those laws which the public finds least relevant to its safety are no longer used by juries, enforced by police, applied by prosecutors, or espoused by lawmakers.

[2] Once the courts again focus on trying crimes against persons and property, it will become pointless and rare for defendants to ask juries to nullify law, because laws against actions which inflict damage are inevitably supported by the community.

[3] Big savings in court time and cost could be realized via fewer appeals, expectable as fully informed juries deliver justice in the first place. Defendants are likely to be both more satisfied and less inclined to try an appeal after conviction by jurors who knew they could have nullified the law and acquitted, but did not.

[4] More courts and juries could be provided to meet the demand, if ever necessary—at less cost than more police and more prisons.

WHAT IF THE JURY NULLIFIES A GOOD LAW?

[1] Unless the lawyers and judge have conspired to stack the jury with people they can count on to let prejudice or bigotry guide their deliberations, this is a straw man. Juries generally are very supportive of laws they see as essential to the safety and security of their communities—i.e., "good laws". And all the jurors would have to agree to nullify a good law in order to get an acquittal on that basis, so the chances are infinitesimal.

[2] Research has shown that people tend to be more responsible and conscientious as jurors than at any other time in their lives. This is probably why none of the states whose constitutions have explicit provisions acknowledging the right of jurors to judge the law have reported problems in administering justice as a result of jurors being informed of that right.

WOULD FIJA VOID SOME GROUNDS FOR DISMISSING POTENTIAL JURORS?

[1] Yes. Jurors could no longer be dismissed for "cause" simply for expressing willingness to judge the law itself, or qualms about the punishment a convicted defendant might receive. Juries were invented in order to provide a buffer between the accused and the state—to find verdicts after review of both law and fact, and to match the punishment to the crime. So there is no valid reason to dismiss jurors for saying they might want to take the law and/or the punishment into account in their deliberations.

[2] An attorney can also use a peremptory challenge (without reason) to dismiss a juror, though the number of peremptory challenges is typically limited to just a few. If there are not enough such challenges to dismiss everyone willing to judge law and/or punishment, it may indicate that the citizenry sees the law as defective in some way—and the government should listen.

[3] Ideally, *voir dire* should be abolished. It's just a costly fight to see who can best "stack" a supposedly "impartial" panel.

"WE ARE A NATION OF LAWS, NOT MEN!"

[1] So was Nazi Germany. And when Nazi war criminals were tried in Nuremburg, they tried to hide behind the laws of that land, only to find that the rest of the world insisted that they be judged according to CONSCIENCE.

[2] We not only have to make the laws we live by, we have to take responsibility for them. So far, the best institution ever devised for so doing is the common-law trial jury, which has a right to judge both law and fact in search of justice. We want everyone to know that before serving as a trial juror. That's why there is a FIJA movement.

HOW WOULD FIJA AFFECT CASE LAW, OR "PRECEDENT"?

[1] Previous court decisions would remain useful as examples of earlier application of a law, but no jury should be expected to base its own decision on how law has been interpreted in the past.

[2] Community standards tend to evolve slowly, so that radical departures from previous interpretations of law by juries would be rare, and always in the direction of mercy. But standards do evolve, and must evolve, or we might still be hanging "witches", sending runaway slaves back to their owners, or prosecuting people for operating a tavern.

One of FIJA's main objectives is to provide an orderly, routine basis for evolution of law, to keep the gap between what's moral and what's legal to a minimum. We believe the most appropriate and least political way to reach that objective is to institutionalize ongoing feedback to legislatures from citizen juries. To insist that juries follow precedent would defeat that goal, encourage anarchy, and invite totalitarianism.

COULD FIJA CAUSE A BIG INCREASE IN THE NUMBER OF HUNG JURIES?

[1] There is a backlog of laws which have escaped jury review since the Supreme Court in 1895 allowed judges to withhold information about the right of jurors to judge both law and fact. That may be why America leads the world in percentage of population in prison, and why there could be many hung juries following passage of FIJA. A temporary surge in the number of hung juries should be regarded positively, as a necessary part of adjusting our legal and moral priorities.

[2] Juries hung because some of their members disagree with the law are actually performing a service for society: they are sending messages to lawmakers in a peaceful, routine and institutionalized way that it is time for changes in the law. When those changes have been made, hung juries will again be rare.

[3] The wrong way to deal with discrepancies between current moral standards and the law is to avoid hung juries by allowing juries to convict without reaching unanimity. This threatens the individual rights of minorities, and fosters tyranny of the majority.

ARE JURORS GENERALLY INTELLIGENT AND EDUCATED ENOUGH TO JUDGE THE LAW?

[1] Neither intelligence nor education is a prerequisite to judging right and wrong, which is what juries do. Twelve illiterate men decided it was not wrong for William Penn to deliver a Quaker sermon, even though it was illegal at the time. Many excellent verdicts have come from people of ordinary mental capacity. In short, if a jury can understand the law, it can certainly judge it.

[2] If the jury ***cannot*** understand the law, then it's unreasonable to expect ordinary people to obey it, which is an excellent reason to acquit anyone accused of breaking it, and to continue to do so until the legislature makes the law understandable.

[3] Any defendant who doubts the ability of a jury to understand the law he/she is accused of violating can always opt for trial by judge, and thus be tried by a trained legal professional.

COULD FULLY INFORMED JURIES ESCALATE OR ADD NEW CHARGES?

[1] No. Juries have never had such powers, and FIJA does not create, grant, or reveal any. Jury judgment of law can operate only in the direction of mercy, which may include a reduction of charges, provided the charge chosen is "wholly contained" within the original charge. Most recent versions of FIJA make this explicit, though it is not actually necessary to do so.

[2] Juries cannot "make law" or "set precedent", either. Their power to judge the law and its application is limited to the case at hand.

WOULD FIJA ENCOURAGE JURIES WHO ARE PREJUDICED AGAINST THE VICTIM TO ACQUIT GUILTY DEFENDANTS?

[1] Prejudiced juries are a result of prejudiced selection, not of informing jurors of their right to judge both law and fact. If both attorneys and the judge and all twelve jurors are bent on acquitting a guilty defendant, it will happen, regardless of the charge to the jury.

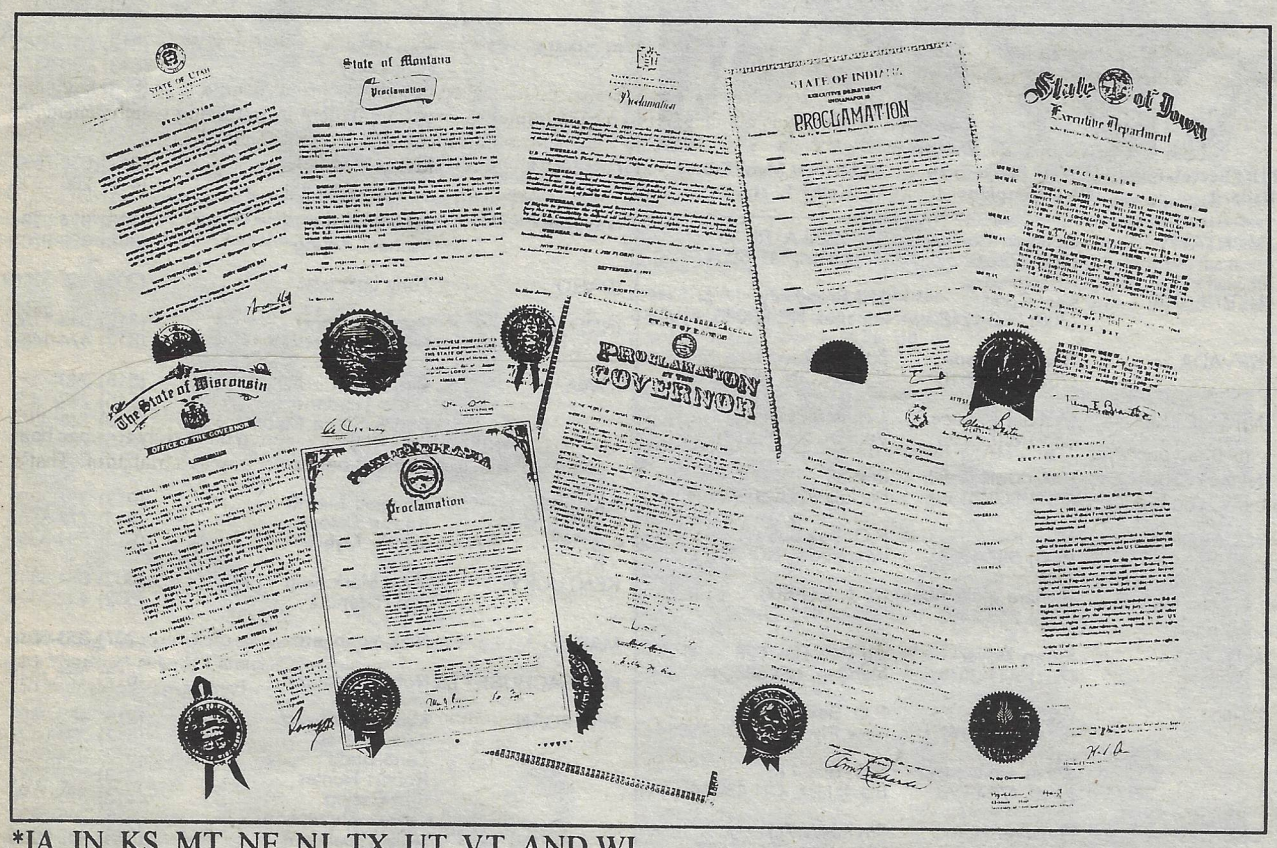
[2] If jurors were encouraged to follow their own consciences when the law or fellow jurors seem wrong, as FIJA would inform them they have a right to do, it might actually reduce the (already rare) instances of jury corruption; one or more conscientious jurors might decide to thwart the prejudice of the others by voting "guilty."

[3] Victims unsatisfied by a criminal trial jury verdict may seek relief via a civil suit, perhaps a federal civil rights action.

Larry Dodge was born in California, but for 20 plus years has made his living as a photographer/publisher of postcards and calendars of Montana, a state he "adopted" in 1961. An environmentalist, writer and political activist, with several runs for public office behind him, Larry holds a Ph.D. in Sociology from Brown University. He is co-founder of FIJA, chairs its board of directors, and operates as its national field representative. That means he spends much time on the road between two "homes", one in Helmville, Montana, the other in Dallas, Texas, where his wife Honey lives and operates a business.

Jury Rights Day

A growing number of state governors* have proclaimed September 5 to be ***Jury Rights Day***, commemorating the date in 1670 when William Penn was exonerated by a jury after breaking laws against preaching an illegal religion (Quakerism) to an illegal assembly (his congregation).



*IA, IN, KS, MT, NE, NJ, TX, UT, VT, AND WI

Help celebrate JURY RIGHTS DAY in your state:
Contact your coordinator

Current Constitutional Authority for Jury Nullification

The Constitutions of Maryland (Art. XXIII, entire), Indiana (Art. I, sec. 19), Oregon (Art. I, sec. 16), and Georgia (Art. I sec. 1, para. 11, subsec. A), currently have provisions guaranteeing the right of jurors to "judge the law"; that is, to nullify the law.

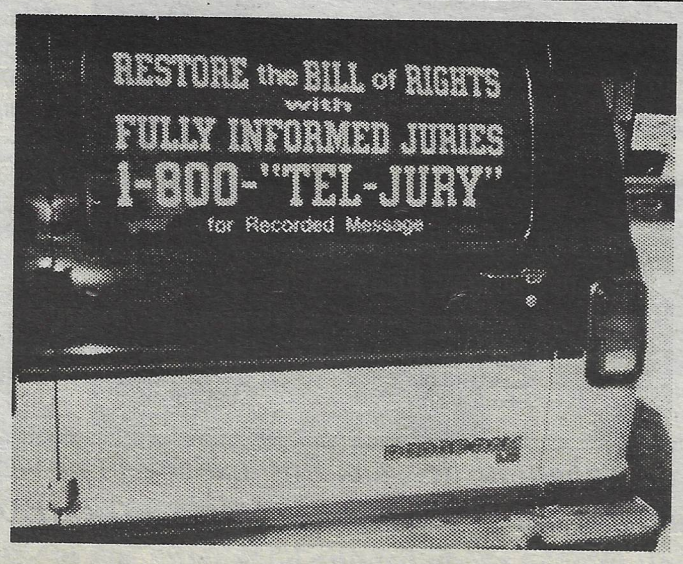
Although these provisions have not been strong enough to withstand decades of hostile judicial interpretation, and have relatively little current impact, they do remain "on the books".

Twenty-three states currently include jury nullification provisions in their Constitutions under their sections on freedom of speech, specifically with respect to libel and sedition cases:

Alabama (Art.I, Sec. 12); Colorado (Art.II, sec. 10); Connecticut (Art. First, sec. 7); Delaware (Art. I, sec. 5); Georgia (Art. I, sec. II, Para. 1); Kentucky (Bill of Rights, sec. 9); Louisiana (Art. XIV, sec. 9); Maine (Art. I, sec. 4); Mississippi (Art. 3, sec. 13); Missouri (Art. 1, sec. 8); Montana (Art. II, sec. 7); New Jersey (Art. I, sec. 6); New York (Art. I, sec. 8); North Dakota (Art. I, sec. 9); Oregon (Art. I, sec. 16); Pennsylvania (Art. I, sec. 7); South Carolina (Art. II, sec. 21); South Dakota (Art. VI, sec. 5); Tennessee (Art. I, sec. 19); Texas (Art. I, sec. 8); Utah (Art. I, sec. 15); Wisconsin (Art. I, sec. 3); Wyoming (Art. I, sec. 20).

Source: Alan W. Scheflin, "Jury Nullification: the Right to Say No", Southern California Law Review, 45, p. 204 (1972). [List has been updated to 1993.]

Generate 10-20 calls to the FIJA information line every month by displaying this reflective sign in the back window of your van or station wagon! Of special material that does not obstruct the driver's vision, these signs will be made to any dimension you specify, and they're self-adhesive. Originator Gary Dusseljee will take your order and send you the sign for what it costs him: just $50. Call Gary today at 916-478-1776 to get your own FIJA "sign of the times"!



What to Read

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Gray and Shiras (Justices), Dissent: Sparf and Hansen v. U.S., 156 U.S. 51, October Term, 1894. The classic opinion of the two dissenting justices on the case which effectively ended routine instruction of juries in their right to judge both law and fact. The majority ruled that while jurors do have the power to nullify the law, judges need not tell them about it, except in cases where state laws or constitutions specify that jurors must be told.

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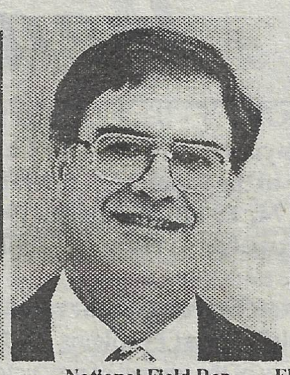

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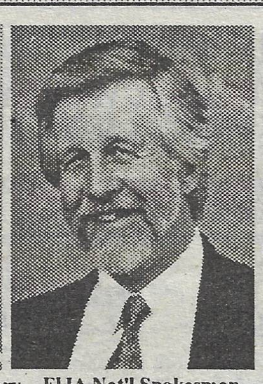

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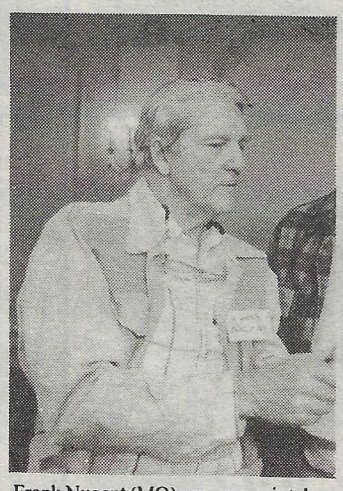
UTAH	Shirl Zitting	(801) 255-2212
VERMONT	"Lynn"	(802) 334-8651
	David Curland	(802) 655-4011
VIRGINIA	Larry Pratt	(703) 321-8585
	Jim Lathrop	(703) 920-5538
	Jim Turney	(804) 276-9255
	Jim Lark	(804) 295-3801
	Brooke Saunders	(804) 358-3099
WASHINGTON	Scott Semans	(206) 322-4180
	Lee Woofenden	(206) 293-6587
	Lorne House	(509) 248-4770
	Mary Jo Swedenburg	(206) 746-2855
	Jeff Thomsen	(206) 221-2786
	Jim Bell	(206) 696-3911
WYOMING	Dave Dawson	(307) 237-4648
	Charles Curlee	(307) 682-5913

...if ***you've read this far, you must care about justice, too. But justice can be very hard to get -- and you can't get it at all unless everyone else can, too. THAT'S WHY FIJA WAS FORMED -- we're into "justice for all." If you're thinking, "Me, too!", you may be ready for our back page*** ⇨⇨⇨

FIJA Activists in Action!

Dixianne Hawks is surrounded by supporters outside the Butte County, CA, Courthouse during her 13-month-long prosecution on charges of "jury tampering" -- for handing out FIJA literature!



Frank Nugent (MO) argues a point during debates on optimal language for proposed FIJA legislation -- at the Bill of Jury Rights conference, 1990.

1990 California Senate candidate Gary Dusseljee holds his son in one arm, his sign showing support for FIJA in the other. We think Gary wants the next generation to enjoy living in a land of "freedom and justice for all" -- via FIJA!

FIJA historian Godfrey Lehman (CA) speaks as a panelist at the Bill of Jury Rights conference, with fellow panelist and former County Judge Walter A. Murray (WY) listening.

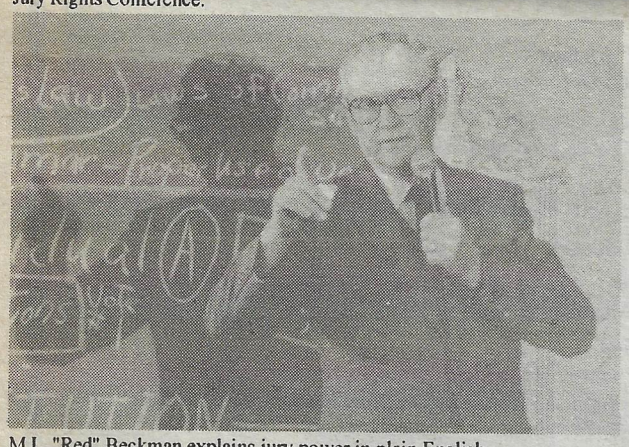
Cullene Lang, Marion McEwen, and Judy Osburn "man" a FIJA table at Laub's "Paradise" store in Carmel, California.

"Women's Caucus" convenes for a photo at the 1990 Bill of Jury Rights conference. L-R: Honey Dodge (TX), Toni Black (PA), Sasha Kennison (SC), Louise Wiethaup (WI), Barbara Anderson (NH), and Norma Segal (NY).

L-R: Melissa Philips, David Carr, Jim Gitlin, and Roy Lieberman (all from MO) shop-talking with motivational speaker Dick Boddie (CA) at the Bill of Jury Rights Conference.

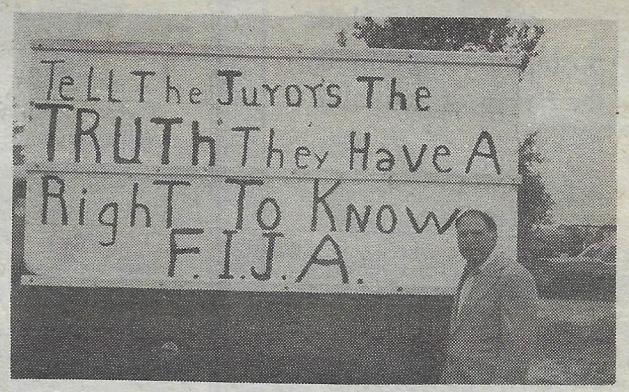
Alvin Anders demonstrates how to hand off a "True of False?" brochure with the flair and finesse of a relay runner passing a baton, at the courthouse in Indianapolis, IN, on Jury Rights Day.

Four conferees talking at FIJAcon II. L-R: Al Adask (TX), Frank Nugent (MO), Brenda Anderson (TX). and Red Beckman (MT).

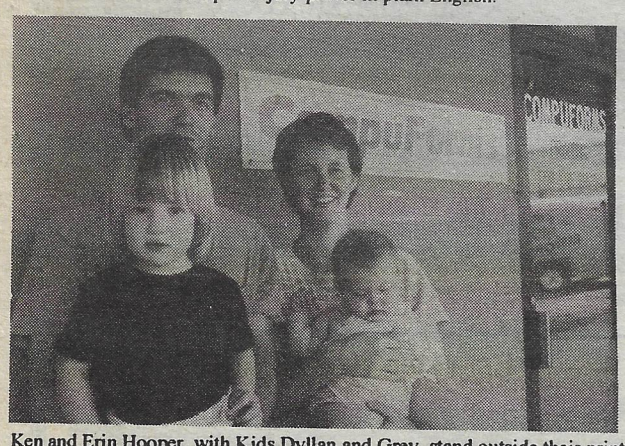


M.L. "Red" Beckman explains jury power in plain English.

"Jury Nullification Man" Tom Estrada-Palma talks to a juror about her rights outside the Rockville, Maryland courthouse: "What? The judge said you *had to* follow the law as given?"



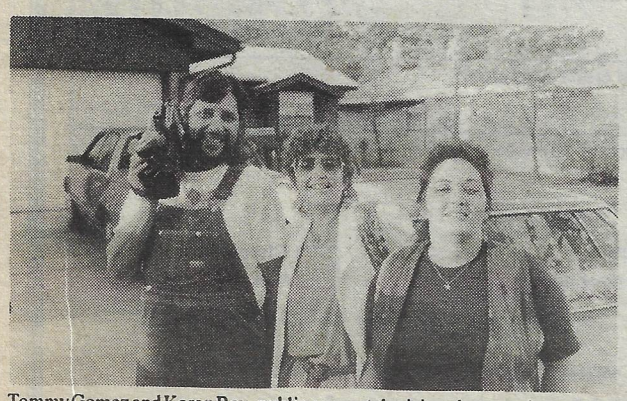
Zeno Budd stands beside his "Truth" pickup truck, full of FIJA supplies which he distributes between rounds with the law.



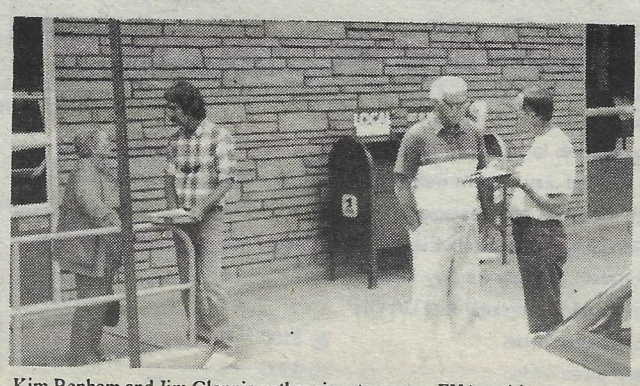
Ken and Erin Hooper, with Kids Dyllan and Grey, stand outside their print shop in Memphis, TN for a family photo. Some of the finest materials FIJA has yet published have been printed here.

Panel discussion at FIJAcon II, Dallas, TX, 1992 -- "FIJA as an Antidote to Injustice." L-R: Steven Herzberg (CA and WI), Al Adask (TX), David Kennison (SC), Larry Pratt (VA), Walter Murray (WY), and Sasha Kennison (SC).

AZ State Sen. Carol Springer tells Channel 5 TV why she backs the FIJA bill, with AZ FIJA coordinator Rick Tompkins looking on.



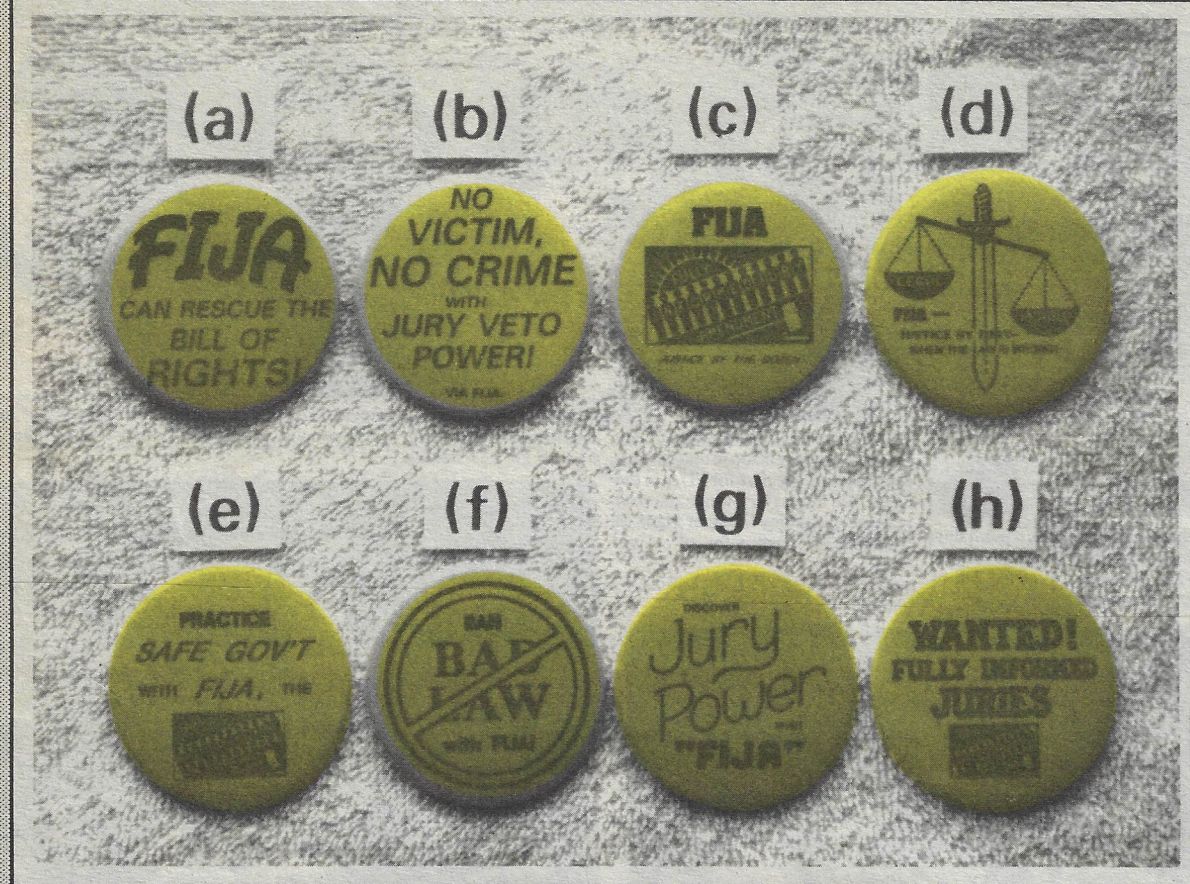
Tommy Gomez and Karen Ray, public access television show producers, pose after "shooting" Larry Dodge (talking FIJA) in Lorianne Horner's home in Oklahoma City, OK.

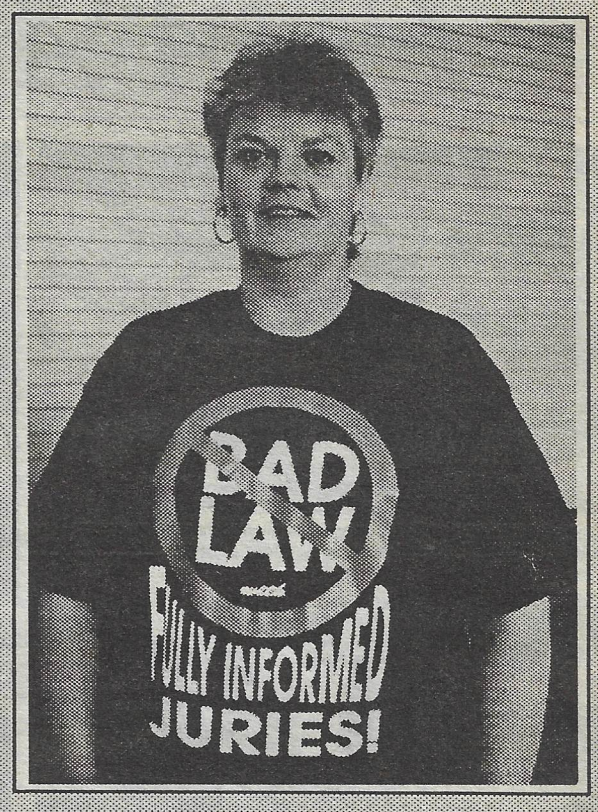


Kim Benham and Jim Glennie gather signatures on a FIJA petition to amend the Colorado Constitution, in Grand Junction.

JRD news conference aftermath. L-R: Sam Smith (partially hidden), discusses material with Libertarian vice-presidential candidate Dr. Nancy Lord, while Dean Ahmad and David Weary ponder an apparently heavy point.

The FIJA Button collection





Montana's Debbie Lietzow models our "Ban Bad Law" t-shirt.

NOTICE

All prices include postage or shipping by the cheapest available means.

Depending on where you live, and what you have ordered, this will be either USPS book rate or UPS ground service.

If you are in a hurry to receive your materials, and would like either first class postage or UPS ground rates, when normally we would use USPS book rate (which is quite slow), please enclose $3 EXTRA POSTAGE!

If you would like second-day air service, please call us for a consultation. You will need to enclose at least $10 to $15 extra.

Next-day air is not available from Helmville.

ORDERS! YES, I want to give orders to FIJA!!

HOW MANY — HOW MUCH

WEAR IT, PIN IT, SIP IT!

___XL, ___L, and ___M "Fully Informed Juror" T-SHIRT @ $13 = $_____
___XL, ___L, and ___M "Protect Bill of Rights" T-SHIRT @ $13 = $_____
___XL, ___L, and ___M "Ban Bad Law w/FIJA" T-SHIRT @ $13 = $_____
FIJA BUTTONS___(a)___(b)___(c)___(d)___(e)___(f)___(g)
___(h) (Mark quantity per "i.d." letter) All 8/$10, any 3/$5, @ $2 = $_____
___"JOHN ADAMS" COFFEE MUG (drawing w/quotation) 2/$15, @ $8 = $_____

SHOW IT, HEAR IT, PLAY IT!

___Ron Paul's "At Issue" VIDEO TAPE ON JURY POWER @ $12 = $_____
___TAPES: talks by Attorneys Tony Serra & Steve Herzberg, "Fully Informing Jurors in Today's Courts" $22/both = $_____
___"Dodge Pitches Jury Power" AUDIO CASSETTE @ $5 = $_____
BUMPER STICKERS ___(a) ___(b) ___(c) ___(d) ___(e) ___(f)___(g)
___(h)___(i) ___(j) ___(k) (Mark quantity per "i.d." letter) @ $.50 = $_____
___11 x 17" POSTER "Strong Juries Keep U.S. Free" 5/$7.50, @ $2.50 = $_____
___FIJA BANNER, durable 3 x 5' poly mat, red, white and blue @ $20 = $_____
___1993 "Jury History" CALENDAR, color photos by Larry Dodge @ $8 = $_____
___PUBLIC SERVICE ANNOUNCEMENTS (5, on Audio Cassette) @ $5 = $_____
___PUBLIC SERVICE ANNOUNCEMENTS (5, on VHS Video Tape) @ $12 = $_____
___PUBLIC SERVICE ANNOUNCEMENTS (5, on 3/4" Video Tape) @ $45 = $_____

READ 'N' SHARE IT FOR FUN AND POWER!

___"True or False?" BROCHURES $40/1000, $5/100, @ $.06 = $_____
___"True or False" BROCHURE STANDS @ $4 = $_____
___JURY POWER INFO KIT (<20 copies add $2 S&H) @ $.25 = $_____
___CURRENT (NEWS) FIJACTIVIST (<20 copies add $2 S&H) @ $.40 = $_____
___Lysander Spooner's classic BOOK *Trial by Jury* Chapter 1 @ $2 = $_____
Full Book @ $10 = $_____
___M.J."Red" Beckman BOOKS: *Born Again Republic* @ $5 = $_____
___ *The Church Deceived* @ $5 = $_____
___ *Do Unto IRS as They...* @ $5 = $_____
___ *Walls in Our Minds* 4/$10, @ $3 = $_____
___ Godfrey Lehman The Ordeal of Edward Bushell @ $17 = $_____

EXPERIENCE FIJACON II -- ON TAPES!

($10/tape audio and $30/tape video; thus 2-tape sets $20 and $60)
___Steve Herzberg "The Answer – Jury Rights Education!" (2-Tape set) = $_____
___Dixianne Hawks "Busted for Jury Tampering!" = $_____
___"Red" Beckman "20 Years in the Trenches—There to Here" = $_____
___Godfrey Lehman "Continuing Assault Upon Jury Rights" = $_____
___John Wolfgram "Field Support for FIJA Activist Attorneys" = $_____
___PANELS: "FIJA as an Antidote to Injustice" (2-Tape set) = $_____
___ "Additional Needed Jury System Reforms" = $_____
___ "Legislation: Prospects and Strategies" (2-Tape set) = $_____
___ "Awards, Anecdotes, and Current Events" (2-Tape set) = $_____
___ "Media Workshop: Publicity for Jury Rights" = $_____
___ "Brainstorm: Optimal Language for FIJA Bills" = $_____
___FIJACON II—all thirteen tapes: Audio @ $100 = $_____
___FIJACON II—all thirteen tapes: Video @ $300 = $_____
[Contact HQ for list of tapes of 1990 "Bill of Jury Rights" Conference]

HELP IT HAPPEN -- BY JOINING!

YES!

I want to [begin] [renew] my membership as a . . .

Guardian of Justice (select $100 worth of above items) @ $1000 = $_____
Benefactor of Justice (select $50 worth of above items) @ $500 = $_____
Sponsor of Jury Rights (select $25 worth of above items) @ $250 = $_____
Defender of Juries (select $10 worth of above items) @ $100 = $_____
FIJA Activist (select $5 worth of above items) @ $50 = $_____
Sustaining Member @ $25 = $_____
Basic Member @ $15* = $_____

*$25 if you want to receive mail without using zip code

FYI: FIJA allocates $15 per member per year to the cost of publishing, printing, and delivering the FIJActivist newsletter to the membership.

GRAND TOTAL ENCLOSED = $_____

Please make out payment to "FIJA", and send to P.O. Box 59, Helmville, MT 59843

PLEASE SEND MY ORDER TO:

NAME (Please print clearly)

ADDRESS*

CITY STATE ZIP

SIGNATURE (If credit card order)

[Visa] [Mastercard] Number Exp. Date Telephone

*We may use UPS for heavier orders if you give us a street address. Thanks!

☐ Check here if this is a new address

☐ **I want to become active for FIJA in my state!**